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APPENDIX

TO

Journals of Senate and Assembly,

OF THE

SEVENTEENTH SESSION OF THE LEGISLATURE

OF THE

STATE OF CALIFORNIA.

VOLUME II.



SACRAMENTO :

D. W. GELWICKS, STATE PRINTER,

1868.

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SECOND BIENNIAL REPORT

OF THE

Superintendent of Public Instruction

OF THE

STATE OF CALIFORNIA,

FOR THE

SCHOOL YEARS 1866 AND 1867.

D. W. GELWICKS.....STATE PRINTER.

BIENNIAL REPORT.

DEPARTMENT OF PUBLIC INSTRUCTION, }
San Francisco, November 1st, 1867. }

To His Excellency,
FRED'K F. LOW,
Governor of California:

As required by law, I have the honor to submit to you the second biennial report of the Superintendent of Public Instruction for the school years ending June 30th, 1866 and 1867, including the statistical tables of the sixteenth and seventeenth annual reports of the Department of Public Instruction.

Very respectfully,

Your obedient servant,

JOHN SWETT,
Superintendent of Public Instruction.

STATISTICAL.

Attached to this report will be found the following statistical tables and summaries:

SUMMARIES.

SUMMARY A—Comparative State summary of statistics for 1866 and 1867.

SUMMARY B—Comparative State summary of statistics for 1865 and 1867.

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R E P O R T .

INTRODUCTION.

The school year ending June 30th, 1867, marks the transition period of California from rate bill common schools to an American free school system.

For the first time in the history of the State, every public school was made entirely free for every child to enter.

In the smaller districts, having less than 100 children and less than \$200,000 taxable property, *free* schools were maintained three months; in the larger districts, having more than 100 children and \$200,000 taxable property, *free* schools were kept open *five months*.

More than 21,000 pupils attended *free* schools during the entire school year of ten months.

I am glad that in this, my last official report, I can say that a system of *free schools*, supported by taxation, is an accomplished fact.

When I assumed the duties of this office, five years ago, I saw clearly that it was useless to expect to improve the character of the public schools to any considerable extent without a largely increased school revenue, derived from direct taxation on property.

At the session of the Legislature in 1863, I secured a revision of the School Law, and a State school tax of five cents on the hundred dollars, which gave an additional revenue to the State Fund of \$75,000 a year. A bill was also passed providing for the gradual funding of the indebtedness of the State to the School Department, then amounting to \$600,000. At the next session, in 1864, an additional school revenue was secured by providing that the minimum county school tax should be equal to \$2 per census child. This little clause gave an additional county school revenue of \$75,000.

In 1866, by the passage of the "Revised School Law," the State school tax was raised to eight cents on the hundred dollars, and the minimum county tax was raised equal to \$3 per census child, both provisions together increasing the school revenue by at least \$125,000 a year. I need not say that to secure an additional school revenue of \$300,000 per annum, in the face of the high county, State, and National taxation, during a period of civil war, was no holiday task.

During each successive session of the Legislature I became a persistent member of the "Third House," arguing, soliciting, meeting com-

mittees, and patiently waiting, with a determination to secure for every child in California a right guaranteed by law to an education in a system of free schools based upon the proposition that the *property* of the State ought to be taxed to educate the *children* of the State.

I saw clearly at the outset that even after the revenue was provided, the schools would be to some extent a failure, unless protected from incompetent teachers by a thorough system of State examinations and certificates. The schools cannot rise higher than the teachers.

The second leading object of my administration has been to secure a *corps* of professional teachers, and to elevate the occupation of teaching. How far this has been accomplished, the list of professional teachers, and the graduates of the Normal School, found in this report, will show.

One third of the teachers in the State hold State diplomas and certificates, and one twelfth of the teachers are graduates of the California State Normal School.

A State Board of Education, of Examination, of Normal School Trustees; a uniform series of text books, a course of study, rules and regulations, an educational journal, all constitute a *system* of education, in place of the irregular and unsystematical half public and half rate bill schools of five years ago.

The progress of the schools since 1863 will be shown, to some extent, by the following brief comparison of statistics.

The school census taken in June last showed an increase of attendance on public schools of 16,820 children over the number reported in attendance the year preceding, and a decrease of attendance on private schools since 1866 of 1,645.

In 1862 only 50 per cent. of the census children were enrolled on the public school registers; in 1867 the percentage of enrolment was 66. In 1863 the average public school attendance was 20,000; in 1867 it was 46,000. In 1862 the amount of State School Fund apportioned was \$75,000; in 1867, \$269,000. In 1862 the amount raised by county taxes was \$146,000; in 1867, \$303,000. In 1862 the total receipts from all sources of school revenue amounted to \$497,000; in 1867 to \$1,287,000.

In 1862 the amount paid for teachers' salaries was \$330,000; in 1867, \$696,000. In 1862 the total expenditures for public schools amounted to an average percentage of thirty cents on each one hundred dollars of the assessment roll of the State; in 1867 the expenditures amounted to 58 1-10 cents on each hundred dollars, besides leaving a surplus on hand for the next year of \$150,000.

A reference to the succeeding Summaries A and B, will exhibit in detail the statistical condition of the schools in 1865, 1866, and 1867.

SUMMARY A.

SUMMARY OF SCHOOL STATISTICS FOR 1866-'67.

	1866.	1867.	Increase.
Number of white children between 5 and 15 years of age.....	83,325	92,409	9,084
Number of negro children between 5 and 15 years of age.....	625	709	84
Number of Indian children between 5 and 15 years of age who live under the guardianship of white persons.....	1,202	1,231	29
Total number of census children between 5 and 15 years of age	85,152	94,349	9,197
Number of children under 5 years of age—			
White.....	51,661	54,318	
Negro.....	277	197	
Indian.....	427	578	
Total number of children under 5 years of age.....	52,365	55,093	2,728
Total number of children under 15 years of age.....	137,517	149,442	11,925
Number of children between 5 and 15 years of age who have attended public school at any time during the school year—			
White.....	37,623	54,395	
Negro.....	220	256	
Indian.....	63	75	
Totals.....	37,906	54,726	16,820
Number of children between 5 and 15 years of age who have attended private schools at any time during the school year—			
White.....	15,569	13,977	
Negro.....	75	34	
Indian.....	27	15	
Decrease.....	1,645		
Totals.....	15,671	14,026	
Number of children between 5 and 15 years of age who have not attended school at any time during the school year—			
White.....	20,446	20,407	
Negro.....	247	140	
Indian.....	1,078	864	
Decrease.....	360		
Totals.....	21,771	21,411	
Number of Mongolian children under 15 years of age.....	61	412	51
Number of Mongolian children between 5 and 15 years of age attending school.....	12	218	206

SUMMARY A—Continued.

STATISTICS FROM REPORTS OF TEACHERS AND TRUSTEES.

	1866.	1867.	Increase.
Whole number of boys enrolled on register.....	26,861	31,943	
Whole number of girls enrolled on register.....	24,412	29,284	
Total number enrolled.....	51,273	61,227	9,954
Average number belonging.....	38,191	46,332	8,141
Total number of schools.....	913	1,083	170
Average number of months school was maintained.....	5.5	7.2	
Monthly salary (board included) paid teachers—			
Male.....	\$73	\$77	\$4
Female.....	\$57	\$64	\$7
Average annual salary of male teachers, (exclusive of board).....		\$554	
Average annual salary of female teachers, (exclusive of board).....		\$460	
Number of districts which have voted a school tax.....	105	100	
Number of school visits made by County Superintendents.....	2,133	2,775	642
Number of school visits made by School Trustees.....	5,792	6,574	782
Number of school visits made by other persons.....	30,060	39,185	9,125

FINANCIAL STATISTICS.

	1866.	1867.	Increase.
EXPENDITURES.			
To cash paid for teachers' salaries.....	\$551,462 02	\$696,110 28	\$144,648 26
To cash paid for sites, buildings, repairs, and school furniture.....	185,056 42	238,010 64	52,954 22
To cash paid for school libraries.....	2,074 81	10,125 10	8,050 29
To cash paid for school apparatus.....	4,059 57	5,431 83	1,372 26
To cash paid for rent, fuel, and contingent expenses	111,850 37	213,610 96	101,760 59
To cash drawn from unapportioned County Fund for County Institutes.....	750 35	1,743 31	992 96
To cash drawn for payment of County Boards of Examination.....	1,164 45	2,339 95	1,175 50
To cash drawn for postage, binding books, and works on school architecture.....	2,067 33	1,211 34	
Total expenditures.....	\$558,485 32	\$1,168,583 41	\$310,098 09

SUMMARY A—Continued.

	1866.	1867.	Increase.
RECEIPTS.			
By balance on hand at beginning of school year...	\$ 83,712 25	\$ 71,279 92	
Cash received from State apportionment...	132,410 71	268,910 84	\$136,500 13
Cash received from county taxes	199,820 39	302,945 36	103,124 97
Cash received from city taxes	270,847 52	292,773 00	21,925 48
Cash received from district taxes	73,175 85	58,954 74	
Decrease.....	\$14,221 11		
Cash received from miscellaneous sources.	79,283 55	210,857 81	131,574 26
Amount received from rate bills and subscriptions, as reported by School Trustees.....	79,600 30	81,966 31	
Total receipts.....	\$918,850 57	\$1,287,687 98	
Total expenditures brought forward.....	858,485 32	1,168,583 41	
Balance on hand at close of school year, June 30, 1867.....		147,145 36	87,585 98
Valuation of lots, schoolhouses and furniture.....	\$1,125,969 84	1,703,250 26	
Valuation of school apparatus.....	15,143 74	21,718 90	
Valuation of school libraries	7,022 28	21,366 56	
Total valuation of school property.....	\$1,148,135 86	\$1,746,335 72	\$598,199 86

	1866.	1867.	Increase.
Number of 1st Grade Schools.....	146	168	22
Number of 2d Grade Schools.....	389	426	37
Number of 3d Grade Schools	378	471	93
Totals.....	913	1,065	152
Total number of school districts.....	891	981	
Number of new districts organized.....	82		
Number of Trustees appointed by County Superintendents.....	658		
Number of schoolhouses built of brick.....	37	58	21
Number of schoolhouses built of wood	681	821	140
Number of new schoolhouses erected.....	85	106	21
Number of male teachers.....	597	616	19
Number of female teachers.....	671	773	102
Totals	1,268	1,389	
Number of schools maintained more than 3 and less than 6 months ..	358	387	29
More than 6 and less than 9 months	205	281	76
Number of schools maintained 9 months and over.....	197	249	52
Average number of months of all schools in the State	5.5	7.2	1.7
Number of schools for colored children.....	12	16	4
Number of pupils attending them.....	297	400	103
Number of teachers who attended County Institutes.....	497	723	226
Number of volumes in county teachers' libraries.....	1,500	3,220	1,720
Estimated value of such libraries.....	\$2,174	\$6,090	\$3,916

SUMMARY B.

COMPARATIVE SUMMARY OF SCHOOL STATISTICS, SHOWING THE BIENNIAL INCREASE FROM 1865 TO 1867.

	1865.	1867.	Increase.
Whole number of Boys enrolled on Public School Registers.....	27,103	31,943	4,840
Whole number of Girls enrolled on Public School Registers.....	22,989	29,284	6,295
Total number enrolled.....	50,092	61,227	11,135
Average number belonging to public schools	33,706	45,673	11,967
Percentage of enrolment on the whole number in the State.....	53	60	13
Average number of months during which schools were maintained...	7.3	7.2	
Decrease .....			.1
Percentage of children attending private schools on the whole number of children in the State.....	18	14	
Decrease			4

FINANCIAL STATISTICS.

	1865.	1867.	Increase.
RECEIPTS.			
Balance on hand at the beginning of school year.....	\$85,523 78	71,279 92	
Amount of School Fund received from State.....	168,828 71	268,910 84	100,082 13
Amount of School Fund received from county taxes...	166,839 67	302,945 36	136,105 69
Amount of School Fund received from city taxes.....	273,853 34	292,773 00	18,919 66
Amount of School Fund received from district taxes.	71,152 15	58,954 74	
Decrease.....			12,197 41
Amount of School Fund received from miscellaneous sources.....	95,550 89	210,857 81	115,306 92
Amount of School Fund received from rate bills and subscriptions	91,181 93	81,966 31	
Decrease.....			9,215 62
Total receipts.....	\$952,930 47	\$1,287,687 98	\$334,757 51
EXPENDITURES.			
Amount paid for teachers' salaries.....	\$526,585 14	\$696,110 28	\$169,525 14
Amount paid for sites, buildings, repairs, etc..	257,804 98	238,010 64	
Decrease.			\$19,734 34
Amount paid for rent, fuel, and contingent expenses...	89,056 57	213,610 96	124,554 39
Amount paid for school libraries.....	5,792 01	10,125 10	4,333 09
Amount paid for school apparatus.....	3,777 86	5,431 83	1,653 97
Sundries, (see Summary A).		\$5,294 60	
Total expenditures.....	\$883,016 56	\$1,168,583 41	\$285,566 85
Balance unexpended.....	\$69,813 91	147,145 36	77,331 45

SUMMARY B—Continued.

	1866.	1867.	Increase.
SCHOOL PROPERTY.			
Valuations of schoolhouses and lots.....	\$1,004,167 59	\$1,703,250 26	\$699,082 67
Valuations of school libraries.....	6,472 00	21,366 56	14,894 56
Valuations of school apparatus.....	14,360 31	21,718 90	7,358 59
Total valuation of school property.....	\$1,024,999 90	\$1,346,335 72	\$721,835 82
Average monthly wages paid male teachers.....	\$74 00	\$77 00	\$3 00
Average monthly wages paid female teachers.....	62 00	64 00	2 00
AMOUNT OF SCHOOL MONEY RECEIVED			
<i>For each census child for 1865, between 4 and 18 years of age; for 1867, between 5 and 15 years of age.</i>			
From balance on hand at beginning of school year, September 1st, 1864.....		75	
From State School Fund.....	\$1 20	\$1 44	
From half mill State school tax.....	75	1 41	
From county school taxes.....	1 75	3 21	
From city taxes.....	2 86	3 17	
From district taxes.....	74	62	
From rate bills.....	96	86	
From miscellaneous sources.....	1 00	2 24	
Loss from fractional cents.....	04		
Total amount received per child from all sources.	\$10 19	\$13 70	
Amount per census child paid for teachers' salaries...	\$5 54	\$7 39	
Amount per census child paid for schoolhouses.....	2 71	2 53	
Amount per census child paid for rent, fuel, and contingent expenses.....	94	2 26	
Amount per census child paid for school libraries.....	06	10	
Amount per census child paid for school apparatus...	04	05	
Total amount expended per child..	\$9 29	\$12 33	
Average cost of tuition for the year for each child enrolled on the Public School Registers.....	\$10 50	\$11 20	70
Total expenditures for each child enrolled on the Public School Registers.....	13 10	18 85	\$5 75
Average percentage of amount raised by county taxes on each one hundred dollars of assessable property in the State....	17	28	11
Percentage of total expenditures on each one hundred dollars of assessable property in the State, expressed in cents.....	48.9	58.1	9.2
State assessment roll of taxable property.....			\$200,000,000

SUMMARY B—Continued.

	1866.	1867.	Increase.
MISCELLANEOUS STATISTICS.			
Number of 1st Grade Schools		168	
Number of 2d Grade Schools.....		426	
Number of 3d Grade Schools..		471	
Number of High Schools.....	6	6	
Total number of schools.....	947	1,083	136
Number of school districts.....	821	864	43
Number of schoolhouses built of brick.....	39	58	19
Number of schoolhouses built of wood.....	765	821	56
Number of new schoolhouses erected.....	102	106	4
Number of schools maintained more than three and less than six months.....	277	387	110
Number of schools maintained more than six and less than nine months.....	260	281	21
Number of schools maintained nine months and over	244	249	5
Number of school districts which raised a district tax Decrease	108	100	
Number of male teachers employed during the year..	603	616	13
Number of female teachers employed during the year	552	773	221
Total number of teachers.....	1,155	1,389	234
Number of teachers who attend County Institutes....	272	723	451
Number of visits made by County Superintendents...	1,708	2,775	1,067
Number of visits made by Trustees.....	4,684	6,574	1,890
Number of visits made by other persons.....	24,121	39,185	15,064
Number of certificates issued by County Boards of Examination to male teachers.....		362	
Number of certificates issued by County Boards of Examination to female teachers.....		491	
Number of certificates renewed.....		296	
Number of applicants rejected by County Boards of Examination.....	198	195	
Number of State Educational Diplomas issued.....	22	148	126

THE REVISED SCHOOL LAW.

Early in the session of 1865-66, the State Superintendent submitted a series of amendments to the Senate Committee on Education.

The amendments were so extensive that the committee referred the entire law to the Superintendent for revision. The law, as drafted by me, was submitted to the committee and adopted, with a few slight changes.

I desire to acknowledge the valuable aid of Mr. Leonard, Chairman of the Senate Committee, of Hon. W. J. Shaw of the committee, of Hon. John S. Hager of the Senate, and of Daniel J. Thomas, Esq. of Sacramento, to whom the School Law is largely indebted for its legal clearness and accuracy.

The bill, as submitted by the committee, passed the Senate with a few amendments, as follows:

Section 101, which provided that all schools should be maintained by tax, free for five months, was amended by inserting a clause that in districts having more than 100 children and taxable property assessed at over \$200,000, rate bills should be levied only after a five months' school, and in smaller districts to levy rate bills after a three months' school.

Section 102 was amended by the Senate to correspond with Section 101, by inserting the following clause in the fourth line: "As required in the preceding section."

The result was to make an apparent conflict in those sections of the law.

In Section 98, for voting district taxes, the Superintendent and committee were reluctantly forced to adopt a limitation to the tax for building purposes to 35 cents on each hundred dollars, and 15 cents for school purposes, as a compromise to prevent the defeat of the whole bill. This limitation ought to be at once repealed, or placed at a maximum of one dollar on the hundred.

Section 106 was amended by inserting "three" instead of "five" months.

Several other verbal amendments were made, and with these exceptions, the bill passed as originally drafted.

The law has proved satisfactory to the great majority of those most directly interested in education, and is acknowledged by Eastern educators to be a model school law.

The more important improvements effected in the School Law by the first revision in 1863, and the second revision in 1865, may be briefly summed up as follows:

1. Organizing a State Board of Education of nine members.
2. Organizing a Board of State Normal School Trustees of eight members.
3. Authorizing the State Board of Education to adopt rules and regulations and a course of study for public schools.
4. Authorizing the State Board to adopt a uniform State series of text books.
5. Providing each school with a State School Register.
6. Providing for the binding and preservation of school documents in the State and county departments of instruction.
7. Providing that the Legislature shall furnish the State Superin-

tendent with at least two thousand copies of each biennial report for distribution among school officers and libraries.

8. Requiring the State Superintendent of Public Instruction to visit schools and lecture at least three months each year, and providing for the payment of actual travelling expenses.

9. Establishing County Teachers' Institutes, and providing for the payment of necessary expenses out of the County School Fund.

10. Funding the debt of the State to the School Fund.

11. Enlarging the powers and duties of County Superintendents, in details too numerous to mention.

12. Payment of County Boards of Examination.

13. Postage and Expressage Fund for County Superintendents.

14. Increasing the salaries of County Superintendents.

15. Authorizing County Superintendents to equalize district boundaries.

16. The election of Trustees for a term of three years instead of one.

17. Requiring the District Clerk to furnish the schools with pens, ink, stationery, and school incidentals, at the expense of the district.

18. The establishment of graded schools.

19. Providing for the legal establishment of separate schools for children other than white children.

20. Limiting the school time of children under eight years of age to four hours a day, exclusive of intermissions.

21. The annual apportionment of the State School Fund, instead of a semi-annual apportionment.

22. Securing a biennial appropriation of \$16,000 for the State Normal School.

23. Establishing a system of school libraries by the reservation of ten per cent. of the State School Apportionment.

24. Authorizing a State subscription for an educational journal—two copies for each school district, one for the District Clerk, and one for the school library.

25. Life diplomas for teachers.

26. State educational diplomas, valid for six years, and 1st, 2d, and 3d grade State certificates.

27. Establishing City Boards of Examination.

28. Authorizing the State Board to issue State certificates on county examinations with the State series of questions.

29. Authorizing the State Board to recognize the Normal School diplomas of other States.

30. Establishing County Boards of Examination composed exclusively of professional teachers

31. Requiring all Boards of Examination, whether State, city, or county, to be composed of professional teachers only who are holders of State diplomas, or 1st grade city or county certificates.

32. A State tax of eight cents on each hundred dollars of taxable property.

33. Requiring a minimum county school tax of \$3 per census child, and increasing the maximum tax to 35 cents on each hundred dollars.

34. Authorizing and requiring School Trustees to levy a district school tax sufficient to keep a free school five months in a year.

35. Changing the school year to correspond with the State fiscal year, July 1st to June 30th.

36. Making a school month, in all contracts with teachers, to consist of twenty school days, or four weeks of five days each.

37. Requiring all teachers to keep a State School Register.
38. Giving teachers, in case of dismissal, the right to appeal to the County Superintendent.
39. Making a biennial appropriation of five hundred dollars for State Teachers' Institute.
40. Providing for the legal collection of rate bills.

PROPOSED AMENDMENTS.

I recommend to the Legislature the following amendments in Section 98, relating to district taxes. Strike out the following: "The maximum rate of tax levied by a district in any one year, for building purposes, shall not exceed thirty-five cents on each hundred dollars, and the maximum rate levied for school purposes by such tax shall not exceed fifteen cents on each hundred dollars for one year."

2. That Section 101 be repealed; thus abolishing rate bills entirely, providing for five months' school free, and leaving parents to voluntarily contribute for the support of school for a longer term if they desire it.

3. Amend Section 102 by striking out the words in the fourth line "as provided in the preceding section."

SCHOOL DISTRICT ELECTIONS.

Should the Registry Act not be repealed, some provision should be made for its application to school elections. In my opinion, as the law now stands, the Registry Act does not apply to school elections; but some, whose opinions are entitled to consideration, differ from me. A simple provision that each Board of Trustees should constitute a Board of Registration for each school district, would cover the whole ground.

The school elections throughout the State last June were held under the School Law, without reference to the Registry Act. Their legality has not been tested in Court. In the case of voting district taxes for building schoolhouses, the tax may be resisted on the ground of illegality.

My own views on the subject are expressed in the following circular, which was issued prior to the school elections last June:

The annual district elections for electing School Trustees, will be held on the last Saturday (29th day) of June. The question has been submitted to the Department of Instruction, as to whether the coming school elections should be conducted in accordance with Sections 35, 36, 38, and 39 of the Revised School Law, or should be governed by the "Registry Act." It is the opinion of the State Superintendent, which opinion is sustained by some of the ablest lawyers in the State, that the school elections are not subject to the provisions of the "Registry Act;" but that they must be held as heretofore, under the simpler provisions of the Revised School Law.

The Registry Act was passed March 19th, 1866; the Revised School Law was passed March 24th, five days after the former Act, and it provides, (Sec. 122) that "*all Acts and parts of Acts, whether general or special, so far as they are inconsistent with the provisions of this Act, are hereby repealed.*" If therefore, there be any provisions relating to elections in the "Registry Act," inconsistent with the provisions of Sections 35, 36, 38, and 39 of the Revised School Law, the latter Act must be held to govern.

Are any of the provisions of the two Acts "inconsistent," and if so, what are they?

Under the Registry Act, the Board of Supervisors of the county are required to establish "election districts," and "election precincts," and to appoint election officers. These election districts and precincts have been established without any reference to the boundaries of school districts.

Now, in each election "precinct," in many cases, there are four, or five, or more school districts, and the school elections are to be held in those several school districts on the same day; how is it practicable or possible for one Board of election officers to hold four, or five, or more elections on the same day, in four, or five, or more places; or how is it practicable for the citizens of these several school districts to travel five or ten miles, vote at one election precinct and elect four, or five, or more sets of School Trustees? Again, as the boundaries of the general election precincts have not been established with any reference to school district boundaries, which are subject to constant changes to suit the convenience of the people, one portion of a school district will be found in one election precinct, and the other part in another precinct.

It is evident, that whether or not the Registry Act was intended to be applied to school elections, no provision whatever was made for such application.

The Revised School Law (Sec. 35) provides that the "Trustees shall appoint the Inspector and Judges of Election," and that the election in each school district "shall be held at the schoolhouse;" thus making each school district an election precinct for the purposes of school elections.

Can there be any doubt that on these points the Registry Act is inconsistent with the Revised School Law, and that the latter Act governs?

The next question which arises is, who are qualified to vote at school elections, and what test shall be applied in challenging? Section third of the Revised School Law reads as follows:

"All elections shall be held by ballot; and the Trustees shall have power to determine the hours during which the ballot-box shall be kept open, having given due notice thereof in the posted notice of election. Every elector legally qualified to vote at any general election, having been a resident of the school district thirty days next previous to the time of such district election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judge of Election shall thereon administer to the person challenged an oath, in substance as follows: 'You do swear [or affirm] that you are a citizen of the United States; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this State six months next preceding this election, and in this school district thirty days, and that you have not voted before this day.'"

On the 31st of March, seven days subsequent to the passage of the Revised School Law, the Legislature passed an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject.

Section 4 of this Act reads as follows :

“ Whenever any person presents himself at the polls and offers to vote at any election authorized by law, the Clerk of Election, or one of the Judges, shall pronounce his name in an audible voice, so that it may be distinctly heard by the other Judges and the Clerks present ; and if his name be found enrolled on the poll list, and if his vote be not rejected or objection made and proofs taken for one or more of the causes prescribed in Section 29 of the Registry Act, shall receive his ballot, and in the presence of the other Judges put the same, without being opened or examined, into the ballot-box.”

Does this section repeal the provisions of Section 35 of the Revised School Law ? The repealing section of this Act of March 31st specifies certain Acts to be repealed, among which the Revised School Law is not included. It contains no general repealing clause of all Acts in conflict with it. This Act evidently was not intended to apply to the school elections, otherwise it would have repealed by special mention the Revised School Law.

The election officers referred to in Section 4 are the regular election officers appointed by the Supervisors for conducting general elections, and not the special officers of school elections appointed by Trustees.

It would be impossible for the officers of school elections to make out poll lists on the 29th of June, for they are not authorized to act as Boards of Registration, and the poll lists of the general election at that time will be either incomplete or not in existence at all.

The State Superintendent is of the opinion that this amendatory Act of March 31st was not intended to apply to the school elections, and therefore does not supercede the provisions of Section 35 of the revised School Law.

The Registry Act evidently contains no provisions applicable to school elections. At the time the State Superintendent was engaged in revising the School Law the Registry Act had not been passed. On reaching the sections relating to school elections, he called a meeting of the Senate Committee on Education, and asked for instructions, calling their attention to the Registry Act. The Committee were of the opinion that the Registry Act could not well be made applicable to school elections, and instructed the Superintendent to incorporate the election provisions of the old School Law. It is evident to those who are conversant with school elections in country districts that it is wholly unnecessary to apply to them the entire machinery of the general election laws. There are 900 school districts in the State, and the school elections have always been held without any expense whatever. Not one tenth of the qualified voters in those districts ever turn out at school elections for Trustees. Generally, in the rural districts, five or ten citizens meet at the school-house, persuade some one of their number to accept the office, and go through the form of casting their ballots.

Is it either desirable or necessary that for such a purpose the whole machinery of a general election should be put in operation ?

Even under the simple and easy manner of holding elections provided in the School Law, in at least half the districts in the State no election is held, the people preferring to allow the County Superintendent to appoint.

Hedge about these school meetings with the provisions of the general election law, and not a single school election would be held in the State. In most of the other States the school elections, or meetings, are held as distinct in their character from all other elections. For instance, in Kansas women are allowed to vote at school elections, and to hold the office of School Trustee. In several of the Western States the right of voting at school elections is limited to property owners and taxpayers. These school meetings, though called under the general name of "elections," are not held to be "elections" in a constitutional sense.

In the coming school election to be held on the 29th of June, the State Superintendent is of the opinion that Trustees will be guided by the specific provisions of Sections 35, 36, 38, and 39 of the Revised School Law.

TEACHERS' OATH OF ALLEGIANCE.

An Act concerning teachers of common schools in this State, approved April 27th, 1863, amended March 18th, 1864, but which forms no part of the School Law, ought to be repealed.

It served its purpose during the war, but for the past two years, since the close of the war, it has been a dead letter on the statute book.

SECTARIAN DIVISION OF THE SCHOOL FUND.

As the question of the sectarian division of the School Fund has been extensively discussed during the past year, a brief historical sketch of the action of past State Legislatures will not be out of place in this report.

In 1853, the School Law of 1852 was amended as follows :

"SEC. 7. Article 5 of said Act (eighteen hundred and fifty-two,) is hereby amended by adding after section two the following additional sections :

"Section Three. The County Superintendent may and is hereby empowered, in incorporated cities, to appoint three School Commissioners for any common school or district, upon petition of the inhabitants thereof requesting the same.

"Section Four. Such schools shall be and are hereby entitled to all the rights and privileges of any other city or common school, in the pro rata division of school money raised by taxation, and shall receive its proportion of money from the State School Fund in the annual distribution; *provided*, they are conducted in accordance with the requirements of this Act."

The provision gave rise to the formation of the so called "Ward Schools," of San Francisco.

In 1855 this provision was repealed.

The new law provided that no school should be entitled to any share

of the public fund that had not been taught by teachers duly examined and approved by legal authority, and that no sectarian books should be used, and no sectarian doctrines should be taught in any public school under penalty of forfeiting the public funds. The stringent provision settled then, and probably forever, the question of an American system of public schools in this State, free from the bitterness of sectarian strife and the intolerance of religious bigotry. The public schools are free to the children of the people, and free from the influence of church or sect. They are free to instruct children in the principles of morality and the reverence of a Supreme Being, which underlie the belief of all religious sects, denominations, and creeds, and to train them in those habits of intelligent and independent thought which ought to be the basis of all religious belief.

In 1861, Mr. Zack Montgomery, member of the Assembly from Sutter County, introduced a bill which provided that every school numbering thirty pupils, established by the parents or guardians of such pupils, should have the right on application to be enrolled as a public school; that the common school branches should be taught five hours a day, with religious instruction and catechism as an extra, at the will of the parents; that the parents or guardians should elect the Trustees of such school, with full power to control; and that the State Fund should be apportioned according to the number of children attending school.

Mr. Blair, from the Committee on Education, reported against this bill on account of its sectarian provisions; but a strong pressure was brought to bear on the Legislature by the Catholic clergy, and there was imminent danger of its passage.

Mr. Montgomery made a fierce and libellous attack on the public schools of the State, in which he characterized those of San Francisco as "schools of infamy of the blackest dye." His two main arguments against the public school system were, that Wayland's Moral Science, a text book in the San Francisco High School, taught that slavery was a moral wrong; and that one or two cases of improper intimacies between school boys and school girls had been charged by rumor.

Mr. Campbell of San Francisco replied. Mr. Conness made one of the ablest speeches in favor of our American public school system that was ever made in the Legislature of California.

The bill was defeated, and since that time no effort has been made to secure a sectarian division of the School Fund.

The same battle has been fought again and again in the older States, and has always resulted in the triumph of the American free school system, which is opposed to any sectarian control of the public schools.

If politicians tamper with the School Fund, the people will give their verdict of condemnation at the next succeeding election as surely as the sun rises and sets.

SCHOOL CENSUS CHILDREN.

According to the returns of the school census taken in June, 1867, the whole number of children between 5 and 15 years of age, was 94,379, an increase over 1866 of 10,197. The number of children under 5 years of age was 55,093, an increase over 1866 of 2,728.

The total number of children under 15 years of age was 149,442, an

increase over 1866 of 12,798—the largest annual increase on record in the history of the State.

Previous to 1866, the school census included children between 4 and 18 years of age, and under 4 years of age. In 1865 the whole number under 18 years of age was 137,840. In 1865 the number of children between 4 and 18 years of age was 95,067, and in 1866 the number between 5 and 15, 84,179.

The following table shows the number of children between 4 and 18 from 1851 to 1865, and between 5 and 15 for 1866 and 1867 :

Years.	No. of children between 4 and 18 years of age, by school census.	Increase.
1852.....	17,821	.....
1853.....	19,442	1,621
1854.....	20,075	633
1855.....	26,077	6,002
1856.....	39,039	3,962
1857.....	35,722	5,683
1858.....	40,530	4,708
1859.....	48,676	8,146
1860.....	57,917	9,241
1861.....	68,395	10,487
1862.....	71,821	3,426
1863.....	78,055	6,234
1864.....	86,031	8,776
1865.....	95,067	8,236
1866.....	* 84,179	.....
1867.....	* 93,213	12,763

* Basis changed—5 and 15 years of age.

The number of negro children in the State under 15 years of age is only 906; the number of Indian children living in white families is 1,809; and the number of Mongolian children is 412.

The greatest increase of children between 5 and 15 years of age is in the following counties: San Francisco, 2,865; Los Angeles, 712; Alameda, 664; Nevada, 616; Santa Clara, 477; Santa Cruz, 388; while Sonoma County shows an increase of 249 children between 5 and 15, the increase of white children under 5 years of age is only *two*. The mortality of children under 5 was either very great, or the returns are incorrect. El Dorado shows a decrease of 102; Monterey, of 55; and Plumas, of 8.

SCHOOL ATTENDANCE.

According to the census returns, 54,726 children attended the public schools during the year; 13,977 the private schools, and 21,411 did not attend any school; leaving 4,100 unaccounted for. *The increase in public school attendance over 1866 was 16,820.*

The total enrolment of pupils on the School Registers, as returned by teachers, was 61,227, which, added to the number attending private schools, 13,977, and the number not attending schools, 21,411, makes a total of 96,615, or 2,400 more than the whole number of census children.

Allowing 1,200 for double enrolment, and the same number for irregular returns of the number not attending school, the number of children who attended public schools during the year may be set down as 60,000.

Taking the census returns, there was a gain on public school attendance of 16,820 over 1866; and taking the teachers' returns of the whole number enrolled, of 10,954 over 1866.

The average number attending public schools was 46,332, a gain over 1866 of 8,141.

The percentage of the whole number of children who attended public schools, on the whole number in the State between 5 and 15, was 66, a gain over 1866 of 13 per cent. The percentage of private pupils on the whole number of children in the State was 14, a decrease of 4 per cent. since 1866.

From the 21,000 not attending school there should be deducted 5,000 who are between 5 and 6 years of age, and who ought not to attend school. Deduct, still further, 2,000 between 13 and 15, who have left school to go to work, and there still remain 14,000 children who are properly due at school.

The average percentage of daily attendance on the average whole number belonging, was 94, an increase over 1866 of 5 per cent. The average daily attendance on public schools was 43,271, an increase over 1866 of 9,282.

These figures show a great improvement in the regularity and efficiency of the schools.

The average daily attendance on the public schools of this State, since first reported in 1853, is shown by the following table :

Years.	Average daily attendance.	Increase.
1853	2,020	.....
1854	4,635	2,615
1855	6,422	1,787
1856	8,495	2,073
1857	9,717	1,322
1858	11,183	1,466
1859	13,364	2,281
1860	14,754	1,390
1861	17,804	3,050
1862	19,262	1,458
1863	19,992	730
1864	24,794	4,802
1865	29,592	4,798
1866	33,989	3,397
1867	43,271	9,282

SCHOOLS FOR NEGRO AND MONGOLIAN CHILDREN.

The number of schools for negro children is 16, located as follows :

Amador 1, 13 pupils ; Del Norte 1, 9 pupils ; El Dorado 1, 15 pupils ; Los Angeles 1, 19 pupils ; Napa 1, 10 pupils ; Nevada 1, 15 pupils ; Sacramento 1, 54 pupils ; San Bernardino 1, 9 pupils ; San Francisco 1, 110 pupils ; San Joaquin 1, 31 pupils ; Santa Clara 1, 32 pupils ; Santa Cruz 1, 12 pupils ; Shasta 1, 20 pupils ; Tehama 1, 12 pupils ; Tuolumne 1, 15 pupils ; Yuba 1, 26 pupils. Total—16 schools, 400 pupils.

The whole number of negro children in the State between 5 and 15 years of age is 709.

The School Law provides that where there are ten colored children in a district, the Trustees *shall* establish a separate school for them. Previous to 1863 the law *authorized* Trustees to establish colored schools ; but as it did not *require* them to do it, but few were established.

Section 58 of the Revised School Law provides :

“ When there shall be in any district any number of children, other than white children, whose education can be provided for in no other way, the Trustees, by a majority vote, may permit such children to attend schools for white children ; *provided*, that a majority of the parents of the children attending such school make no objection in writing, to be filed with the Board of Trustees.”

I know of no instance in which any practical application of this section has been made, except in the cases of Indian children or half breeds.

The people of the State are decidedly in favor of separate schools for colored children.

No schools for Mongolian children are reported. The Chinese in San Francisco are entitled to a separate school under Section 58, but during the past year it has not been maintained.

The number of Mongolian children attending schools (private) is 218 ; of whom 179 are in San Francisco, 20 in Sacramento, and 8 in Alameda.

The whole number of Mongolian children under 15 years of age is 412. The number of Indian children who have attended schools for white children during the year is 75.

 RECEIPTS AND EXPENDITURES.

The unexpended balance on hand at the beginning of the school year July 1st, 1866, was \$71,279.

The amount received from county taxes was \$302,945, an increase over 1866 of \$103,124, which is due to Section 97 of the Revised School Law, which provides for a maximum county tax of \$3 per census child.

The increase of county tax over 1865 is \$178,000. The amount received from city taxes is \$292,773, an increase over 1866 of \$21,925. The total amount from city and county taxes is \$595,718, an increase over 1863 of \$301,000.

The amount received from the State apportionment of School Fund was \$268,910, an increase of \$136,500 over 1866.

The amount raised by district taxes was \$58,954, a gratifying decrease from 1866 of \$14,221. The sooner district taxes, except for building

schoolhouses, can be abolished, the better it will be for the schools. Santa Clara County raised by district taxes \$8,000; San Joaquin County, \$2,800; Santa Cruz, \$3,400; Alameda, \$3,100; and Contra Costa, \$2,500.

The amount raised by rate bills was \$81,966, or an average of \$1 20 for each child attending school during the year.

The counties in which the largest amounts were raised by rate bills, are as follows:

Sonoma, \$7,156; Nevada, \$6,289; Calaveras, \$4,369; Contra Costa, \$4,380; Alameda, \$3,114; Placer, \$4,659; Santa Clara, \$4,568; and Solano, \$4,625. In Sacramento County, the amount raised by rate bills was only \$880, showing a close approximation to a free school system.

The following table shows the amount raised by rate bills since 1860, and also shows the gradual approximation of the State to a free school system:

Years.	Amount.
1860	\$122,858
1861	114,397
1862	141,606
1863	68,209
1864	84,084
1865	91,181
1866	79,600
1867	81,966

Total amount raised by rate bills since 1852, \$3,828,812.

The following table shows at a glance the amount of receipts and expenditures for each child in the State between 5 and 15 years of age:

RECEIPTS.	
From balance on hand at beginning of school year.....	75
From State School Fund.....	\$1 44
From half mill State Fund tax.....	1 41
From county school taxes.....	3 21
From city taxes.....	3 17
From district taxes.....	62
From rate bills.....	86
From miscellaneous sources.....	2 24
Total amount received per child from all sources, not including fractions.....	\$13 67
EXPENDITURES.	
Amount per census child paid for teachers' salaries.....	\$7 39
Amount per census child paid for schoolhouses.....	2 53
Amount per census child paid for rent, fuel, and contingent expenses	2 26
Amount per census child paid for school libraries.....	10
Amount per census child paid for school apparatus.....	05
Total amount expended per child.....	\$12 61

The amount received from miscellaneous sources, was \$210,859, in which is included \$190,995 from San Francisco, principally derived from the issue of bonds for building purposes.

The total of receipts from all sources is \$1,287,687 98; of expenditures, \$1,163,348. The difference between the total of receipts and expenditures is \$124,339 98, while the total of the column of "Balance on hand at the close of the school year," as reported by the County Superintendents, is \$147,145. This discrepancy arises from the fact that in some of the counties the expenditures exceeded the receipts.

The amount paid for teachers' salaries is \$696,110, an increase over 1866 of \$144,648.

Of this sum, San Francisco paid \$209,874; Sacramento County, \$41,000; Santa Clara, \$34,000; Sonoma, \$33,000; San Joaquin, \$27,000; Alameda, \$31,000; Nevada, \$24,000.

The amount paid for sites, buildings, repairs, and furniture, was \$238,000, an increase over 1866 of \$53,000.

Of this amount, San Francisco expended \$126,780; Sacramento County, \$14,000; Santa Clara County, \$10,000; Alameda County, \$6,000; and Sonoma County, \$9,000.

The amount expended for school libraries was \$10,125. The school libraries of many counties were not purchased until after the close of the school year, and consequently are not included in this return. San Francisco should have expended \$1,750 for libraries last March, but the purchase has not yet been made.

The largest amount expended by any county was by Plumas County, \$960.

The amount expended for rent, fuel, and contingent expenses, was \$213,610, of which San Francisco paid \$171,434, and the rest of the State, \$42,000.

The amount expended for County Institutes was \$1,743 31, an increase over 1866 of \$992 96. Twenty-one Institutes were held during the year, an increase over 1866 of 12; and the number of teachers who attended them was 723, an increase of 226 over 1866.

The amount expended for the payment of County Boards of Examination was \$2,340. The whole number of certificates issued was 853; renewed, 296; applicants rejected, 195.

The largest amount drawn by any County Board was in Alameda County, \$274; Solano County, \$198; and Tuolumne, \$160.

RATE OF COUNTY TAX.

The Revised School Law provides that the minimum rate of county school tax shall be sufficient to raise \$3 per census child, and that the maximum rate shall not exceed 35 cents on the one hundred dollars.

All the counties have complied with the school law. A reference to Table 4 will show the amount raised last year per census child, taken, however, on the basis of the last census instead of the census of the previous year, on which the Board of Supervisors based their estimates of school tax.

In a few counties it will be noticed that the amount per child, in consequence of the increase in the number of children from 1866 to 1867, is

a little less than \$3 when the rate is less than 35 cents, and in other cases the maximum rate of 35 cents gives less than \$3 per child. As usual, the largest amount per child, \$12 98, was raised in the City and County of San Francisco.

Alpine County, on a rate of 20 cents, in consequence of the small number of children, raised \$12 46; Inyo County, for the same reason, \$10 59; Sacramento County, on a rate of 15 cents, \$9 43; Santa Clara, on a rate of 25 cents, \$7 17; Sierra, Yuba, Placer, and Nevada, about \$6; Alameda, Del Norte, El Dorado, Mendocino, Tehama, and Napa, about \$5; Butte, Contra Costa, Marin, Merced, San Joaquin, San Luis Obispo, San Mateo, Siskiyou, and Sutter, \$4; Amador, Humboldt, Klamath, Lassen, Mariposa, Monterey, Plumas, San Diego, Solano, Sonoma, Stanislaus, Trinity, Tuolumne, and Yolo, from \$3 to \$3 50.

Santa Barbara, on a rate of 35 cents, raised only \$1 72 per child; Calaveras, same rate, \$2 27; Lake, same rate, \$2 13; Los Angeles, same rate, \$2 65; San Bernardino, same rate, \$1 69; Santa Cruz, same rate, \$2 37. In addition to these, the following counties levied the maximum rate of 35 cents: Amador, Monterey, San Francisco, San Luis Obispo, Stanislaus, Sonoma, and Tuolumne.

The following counties levied 30 cents: Alameda, Butte, Contra Costa, El Dorado, and Mariposa; Napa, San Diego, Santa Clara, Siskiyou, Sutter, Trinity, and Yolo, 25 cents; Alpine, Marin, Merced, Plumas, and Sierra, 20 cents; Colusa, 13 cents; Fresno, 10 cents.

Previous to the passage of the Revised School Law in 1863, fixing a minimum rate of \$2 per child, such counties as Sonoma, Napa, and Santa Clara, levied a tax of 10 cents, and most of the southern counties a tax of 5 cents.

The simple section of the School Revenue Law requiring a minimum rate of \$3 per child, has more than doubled the amount of school money raised by county taxes.

REVENUE FROM ALL SOURCES.

A reference to Table 5 will show the amount per census child for each county, derived from all sources, including State Fund, county tax, rate bills, and miscellaneous sources.

San Francisco, including \$175 from bonds raised, \$25 07; exclusive of bonds, \$16 30; Alpine, \$18 53; Inyo, \$17 64; Sierra, \$16 28; Santa Clara, \$14 52; Contra Costa, \$14 41; Sacramento, \$14 09; Lassen, \$15 26; Marin, \$13 50; El Dorado, \$13 37; Placer, \$12 92; Nevada, \$11 85; San Joaquin, \$11 77; San Mateo, \$11 55; Kern, \$11 52; Napa, 11 09; Siskiyou, \$11 21; Alameda, Butte, Mendocino, Plumas, Sonoma, Stanislaus, Sutter, Yolo, Solano, and Del Norte, \$10; Klamath, Merced, Trinity, and Tulare, \$9; Amador, Fresno, San Diego, San Luis Obispo, and Shasta, \$8; Calaveras raised the largest amount of any county in the State, \$4 98; San Bernardino, the next lowest, \$5 18; Colusa, \$5 87; Los Angeles, \$6 45.

The average amount per child for the whole State, is \$13 67.

WHAT OUR PUBLIC SCHOOLS HAVE COST.

My last biennial report contained full statistical tables by counties of the receipts and expenditures for public school purposes from 1851 to 1865. The total cost of public schools as shown by statistical tables up to June 30th, 1867, is as follows :

Total amount derived from the State School Fund.....	\$1,476,248 00
Raised by city and county taxes.....	3,828,812 00
Raised by rate bills.....	1,145,191 00
From miscellaneous sources, not included in tabular statement	1,068,959 00
Total	\$7,519,210 00
Expended for teachers' salaries.....	\$4,659,754 00
Expended for schoolhouses and sites.....	1,516,490 00
Contingent expenses.....	1,344,966 00
Total	\$7,519,210 00
To this amount may be added the following :	
Salary of State Superintendents from 1851 to 1867.....	\$56,500 00
Office appropriations, Department of Public Instruction, 1851 to 1867.....	30,000 00
Printing reports and blanks.....	35,000 00
State Normal School.....	36,000 00
State Institutes.....	3,000 00
Salaries of County Superintendents.....	250,000 00
	\$410,500 00
Add to this.....	7,519,210 00
And the total expenditure stands.....	\$7,929,710 00

PUBLIC SCHOOL PROPERTY.

The total valuation of sites, buildings, furniture, and libraries, is returned at \$1,746,335, of which San Francisco claims. \$1,122,000 ; Sacramento, \$77,000 ; San Joaquin, \$54,000 ; Sonoma, \$50,000 ; Santa Clara, \$39,000 ; Nevada, \$29,000 ; Solano, \$29,000 ; Yuba, \$27,000 ; El Dorado, \$25,000.

ATTENDANCE ON PRIVATE SCHOOLS.

The whole number of children in the State attending private schools is returned by the census as 14,000.

Of this number San Francisco reports 4,165, which is 20 per cent. of the whole number between 5 and 15 years of age.

In San Francisco there are 1,761 children between 5 and 6 years of age who are not allowed to attend the public schools, many of whom attend "infant schools."

Probably about 1,500 children attend the Catholic school in the city.

In Sacramento City and County, only 434 attend private schools, or 10 per cent. of the whole number. In Santa Clara County, 878 children attend private schools, or 19 per cent. of the whole number. Sonoma, 721, or 13 per cent.; Los Angeles, 538, or 16 per cent.; Calaveras, 442, or 19 per cent.; Nevada, 19 per cent.; Napa, 338, or 24 per cent.; Alameda, 531, or 16 per cent.; Placer, 145, or 6 per cent.; San Joaquin, 235, or 7 per cent.; Sierra, 4 per cent.; Santa Barbara, 8 children out of 1,322; Plumas, 3 per cent.; Alpine County reports 1 child attending private school, and Lassen 2 children out of 291.

Notwithstanding the fact that the attendance on private schools was decreased during the year by the large number of 1,645, all the better class of private seminaries, boarding schools, and college schools, never were in a more prosperous condition.

As the public schools are made better, these private schools will be filled with a more advanced class of pupils.

The public schools cannot meet all the demands for education.

I have visited many of the private institutions in the State, and can bear willing testimony to their thoroughness of instruction and excellence of discipline, inferior in no respect to the best public schools. In fact, many of the very best public school teachers have been attracted to private schools in consequence of the more liberal salaries paid in them. If the private institutions can afford to pay the best salaries, they will secure the best teachers, and will have the best instruction. Public school officers who believe in cheap teachers will do well to bear this in mind.

On this subject Superintendent Bateman, of Illinois, makes the following remarks:

"A good collateral criterion of the progress and character of public schools in any State, is afforded by the relative advance or decline of private schools within the same jurisdiction. By the term 'private schools,' as used in these remarks, colleges and other higher institutions of learning are, of course, not meant or referred to, but only those schools which occupy ground covered by the common school system in its various grades and departments, and which are, therefore, in one sense in *competition* with the free schools; and which are controlled and managed by individual enterprise, or by private corporations, instead of officers and teachers elected and appointed under the free school laws of the State. In theory, the common schools of a State are designed to be sufficient in number for all, and good enough for all. It is claimed, indeed, that public schools may be, and therefore should be better, as a whole, than private schools, as a whole, are or can be; that there are elements and conditions of success that may be utilized by a common school system, which are not to the same extent available to any

plan or system of private schools. Not to argue this point, it can not be denied that where the two systems of schools work side by side for a term of years, the comparative gain or loss must be taken as a practical verdict of considerable importance and significance. The results of this test, as shown by the statistics, are in favor of the public schools.

* * * * * * * *

“It can not be necessary to say that the previous reference to private schools is in no spirit of disparagement, but merely as one of the side lights by which the status and growth of the free school system of the State may be more clearly discerned. Every *good* school, public or private, elementary or high, is hailed with sincere thankfulness, as a part of the grand array of educational forces which are to bless and elevate the people of the State. They are all needed, and many more. There have always been private schools, and I have no doubt there always will be; and wherever the public schools are not entitled to support, there always should be. If in any community the public school is better than the private school, or even as good, it will generally occupy the field; if the private school is the best, it ought to push the public school from the ground until it can compete in excellence. And if both can exist and flourish together, it is all right. We do not desire to compel or advise any one to send to the public school if he prefers a private school, and there is such an one available; but we do intend to use every means in our power to make public schools the *best* schools in every part of the State, so that whoever still turns from them shall not do so because they are less worthy of confidence and support. This is our only purpose, and whatever spur is given to this purpose by the greater excellence of private schools in any township or school district of the State, will be acknowledged as a benefit to the cause of popular education.”

CHILDREN NOT ATTENDING SCHOOL.

The whole number of white children between 5 and 15 not attending any schools is 20,000. Of this number San Francisco returns 2,781, or 14 per cent. of the whole number in the city; Los Angeles reports 1,743, or 54 *per cent. of the whole number in the county*; Santa Clara returns 1,193, or 25 per cent.; Sonoma County, 997, or 20 per cent.; *Santa Barbara*, 894, or 67 *per cent.*; Sacramento, 661, or 14 per cent.; Nevada County, 764, or 21 per cent.; Monterey County, 45 per cent.; Alameda, 23 per cent.; *San Luis Obispo*, 400, or 60 *per cent.*; Santa Cruz, 748, or 34 per cent.

SCHOOL CHILDREN AND ESTIMATED POPULATION OF THE STATE.

According to the national census statistics of 1860, the children under 15 years of age in the Pacific States constitute about 28 per cent. of the entire population. Comparing the ratio of children to the population in

other States, and taking the ratio in places in this State where the population is known, it is safe to estimate that the children under 15 constitute 30 per cent. of the entire population, exclusive of Chinese and Indians.

Of course, in some of the new mining counties, like Kern, Inyo, Alpine, and others, this estimate of population would be too low, and in some of the southern counties, like Los Angeles, too high, as the ratio of children to the population would be nearer 34 per cent. than 30.

According to this basis, the population of San Francisco, exclusive of Chinese, is 115,700. Langley's Directory for 1867 estimates the population, including the floating population and 4,000 Chinese, at 131,000.

Sonoma and Sacramento Counties have nearly the same population, the former having 26,373, and the latter 24,517.

Santa Clara ranks as fourth, having 23,730; and Nevada County fifth, with 20,360; San Joaquin stands as sixth, at 18,433; Alameda seventh, 17,966; Los Angeles eighth, with 16,507; Solano and El Dorado are nearly equal, the former having 13,693, and the latter 12,493.

Calaveras, Placer, Santa Cruz, and Yuba, have each a population of about 11,000; Amador, Butte, Contra Costa, and Tuolumne, have each about 9,000; Yolo, Napa, Mendocino, and Monterey, from 7,000 to 8,000; Siskiyou, San Bernardino, and San Mateo, about 6,000; Humboldt, Marin, Santa Barbara, Sierra, Sutter, and Tulare, 5,000; Mariposa, Shasta, and Lake, 4,000; Colusa, Plumas, San Luis Obispo, Stanislaus, and Tehama, 3,000; Fresno, Merced, San Diego, and Trinity, 2,000.

A reference to Table 18, in the Appendix, will show the exact figures.

The total number of children being 149,442, the population of the State will be 498,140.

CITIES AND TOWNS.

On this basis of calculation San Francisco has a population of 115,700, Sacramento of 13,000, and San José of 6,723; Los Angeles, Stockton, and Oakland have each about 5,000; Grass Valley and Marysville each about 4,000; Nevada, 3,743; Petaluma, 3,629; and Vallejo, 3,117; Santa Cruz and Sonora, 2,200; Placerville and Santa Clara exactly the same, 2,180; Watsonville, 2,117; Columbia, 2,090; Monterey and Napa City, 1,800; Brooklyn, San Luis Obispo, Copperopolis, Santa Rosa, and Benicia, about 1,600; San Bernardino, Eureka, Healdsburg, and Red Bluff, about 1,400; South San Juan, Dutch Flat, and Chico, 1,300; Yreka, Visalia, and Sutter Creek, 1,200; Oroville, Woodland, Hornitas, Colfax, Murphy's, and Downieville, 1,100; Folsom, Redwood City, and Sonoma, 1,000; San Andreas, Ukiah, Jackson, Mokelumne Hill, Shasta, and Anaheim, 900; Mariposa, Weaverville, Crescent City, Georgetown, Martinez, and Pacheco, 800; North San Juan, Auburn, and Colusa, 700.

A reference to Table 19, in the Appendix, will show the exact figures.

REPORTS OF COUNTY SUPERINTENDENTS.

The reports of the County Superintendents of Common Schools were due to this department on the 20th of August. Some of them were received at that time, but several were not sent in until the 20th of October, two months behind time.

Of course it was impossible to make any summary of statistics until all the reports were in, and as my report was due to the Governor on the 1st day of November, I had only ten days in which to make my summary of statistics.

The delay of County Superintendents was doubtless unavoidable in consequence of the failure of Trustees to report to them.

If any errors or blunders are found in the statistical tables of this report, they can be accounted for on the fact that I had but ten days to make the summaries, as my report was sent to the Governor promptly on the 1st of November, as required by law.

The report of Mono County was not received until all the summaries had been made; but the statistics of that county have been entered in the tables, though not included in all the totals.

Most of the reports were models of neatness and correctness, but a few were not creditable to the counties from which they came.

Several of the retiring County Superintendents merit especial mention for long and valuable services in their respective offices.

Geo. W. Simonton, of Solano County, has held the office for two terms, and while he has been Principal of one of the best grammar schools in the State, has discharged his official duties with such efficiency that the county ought to be proud of his record.

Thos. N. Stone, of Siskiyou, a professional teacher, has honored his office for a term of six years.

M. S. Deal, of Nevada County, while editing a daily paper, has found time to attend to school matters in a manner highly creditable to himself and satisfactory to the people.

Dr. F. W. Hatch, of Sacramento County, is a veteran in the service, having held his office at different times for a period, in all, of nine years. His reports have been models of correctness, and he retires with the respect of teachers and school officers.

H. P. Stone, of Santa Cruz, a professional teacher, has been a zealous and capable officer.

Rev. A. Higbie, of Napa County, Superintendent since 1862, has built up the schools of that county by his earnest efforts, and has proved a competent and faithful officer.

Rev. H. R. Avery, of Contra Costa County, and Rev. Chas. E. Rich, of Alameda County, have been careful, capable, and efficient officers.

J. R. Brierly, of Santa Clara, who has filled the vacancy caused by the death of Mr. Tonner, has been second to no one in the zealous performance of his many duties.

John C. Pelton, of San Francisco, has been so long connected with the public schools of the State that it is hardly necessary to mention him as the proven public school teacher of California.

Some of the oldest and most experienced officers have been re-elected.

Chas. G. Ames, of Sonoma County, Superintendent since 1861, has presided over the schools of one of the largest school counties in the State with a degree of ability which deserves the highest degree of commendation.

C. C. Cummings, of Mendocino, holder of a life diploma, and Principal of a grammar school, has greatly improved the schools of his county.

S. R. Case, of Placer, merited his re-election by his faithful devotion to the duties of his office.

Melville Cottle, of San Joaquin, fortunately for the schools of that county, is retained in the office he has filled with such distinguished ability.

Among the new County Superintendents elected are the following professional teachers:

A. L. Fuller, Alameda; C. G. Warren, Butte; Alfred Thurbur, Contra Costa; — Barrows, Los Angeles; C. C. Cummings, Mendocino; Thos. W. Clay, Monterey; E. W. Preston, Nevada; James Denman, San Francisco; H. N. Nutting, San Mateo; — Braly, Santa Clara; H. E. Makinney, Santa Cruz; Joseph H. Thorp, Sierra; G. K. Godfrey, Siskiyou; Milton Wason, Solano; and Isaac Upham, Yuba.

NUMBER OF SCHOOLS.

The whole number of school districts is 981, an increase of 90 over 1866.

The whole number of schools is 1,083, an increase over 1866 of 170.

A "school," as returned by the country districts, means one class taught by one teacher; but in the cities, a "school" is an indefinite term.

The Lincoln School is reported as "one" school, yet it includes 1,000 pupils and 16 teachers.

San Francisco returns "35 schools," but counting each class of 60 pupils taught by one teacher as a school, the city would report 200 schools; making the whole number in the State 1,248.

AVERAGE LENGTH OF SCHOOLS.

The average length of time during which public schools are maintained during the year is 7.2 months.

The school year ending June 30th, 1866, was only ten months, in consequence of a change in the School Law making the school year end in June instead of August.

The average length of schools in 1866, for the year of ten months, was 5.5, or in the ratio of 6.6 months for a full year.

Last year, for the first time in the history of the State, *all* the schools were kept *free* to all pupils for a period of from 3 to 5 months, according to the number of children and the taxable property in the district.

It marks an epoch in the school history of the State. Had rate bills been levied as before, during the entire year, the average length of the term of tuition in the schools would doubtless have been increased.

The death blow to rate bills has been given, and they will soon be among the things of the past.

Last year, 21,200 pupils attended schools which were kept open and entirely free for 9 and 10 months in the year.

Ten thousand more attended schools which were entirely free, but were kept open less than 9 months.

The number of schools maintained from 3 to 6 months was 387; from 6 to 9 months, 281; and from 9 to 10 months, including San Francisco as as 208 schools of 60 children each, 422.

The following among the larger counties have maintained their schools

for a high average of time: San Francisco, 10 months; Alameda, 8.6 months; Sacramento, 8.2 months; Santa Clara, 8 months; Santa Cruz, 7.7 months; Los Angeles, 8.5 months.

Among the populous counties which have kept schools open for a low average time are the following: Colusa, 3.1 months; Mendocino, 5.5 months; San Bernardino, 4.6 months; Stanislaus, 5 months; Yolo, 5.6 months; Siskiyou, 4.7 months; Lake, 4.5 months; Sonoma, 6.1 months.

TEACHERS AND SALARIES.

The number of male teachers returned for the year is 616, an increase over 1866 of 19; of female teachers, 773, an increase over 1866 of 102.

The ratio of male to female teachers since 1859 is shown by the following table:

Years.	Male.	Female.
1867	616	773
1866	597	671
1865	603	552
1864	565	514
1863	555	464
1862	552	410
1861	526	305
1860	536	218
1859	333	184

It will be noticed that in 1859 the rate of male to female teachers was 2 to 1, and that now the number of female teachers exceeds the male by 157.

The average monthly salaries of male teachers is \$77, an increase over last year of \$4 per month; of female teachers, \$64, an increase over last year of \$7 per month.

As the average length of schools is 7.2 months, the average annual salary of male teachers is \$554; of female teachers, \$460.

Even if teachers were employed for the whole school year of ten months, which is the case only in the city schools, the average annual salary of a male teacher would be only \$770 a year, from which deduct \$300 for twelve months board at \$25 per month, and there would remain only \$430 as the net proceeds of a year's work. Deduct from this \$100 for clothing, and the salary stands at \$233.

Trustees in some parts of the State who complain that the salaries of teachers are too high, and that school expenditures are extravagant, will do well to consider these figures.

On the subject of salaries I can add nothing to my remark in the last biennial report, as follows:

The admission of teachers into the occupation is virtually in the hands of the teachers in this State now engaged in teaching. Elevate the standard of admission, and the occupation will soon become a respectable business. It will soon be better paid than brute labor. No occupation is more laborious; none wears out muscle and brain faster. It is only in the vigor of early manhood that a man can follow his profession. Shall he, then, be paid no more than the mechanic, or the day laborer who shovels sand on the streets? The brain labor of the skilful teacher ought to be as well paid as the brain labor of the lawyer, the physician, the clergyman, the editor. He ought to dress as well and live as well. His profession ought to cost him, and often does, as much time and money as other professions. He ought to be paid a salary sufficient to enable him to supply himself with a library, and the periodical literature of the day. He should have a salary sufficient to enable him to live respectably, dress neatly, and move in the intelligent circles of society like other educated men. He should be paid enough to support a family. Teachers well paid can devote all their time and energies to the schools. They are not greater philanthropists than their neighbors whose children they educate. None of them teach from pure love of teaching. They do their duty, and expect their pay for it; it is the way in which they earn their living. They ought not to be expected to break mental bread to the children of others and feed their own with stones. Good teachers are not to be estimated by their daily salary of five dollars. Persons enough could be found in the State at half the present rates, but the people would be the losers. It is the teachers who give character and efficiency to the schools. The State may legislate, the people may vote taxes, and build schoolhouses, but the teachers build schools, and mould character, and act on mind. High salaries will attract talent and skill, and hold them both in the schools. Low wages will fill the schools with bunglers, and waste the public money. If the people of California desire to lay well the foundations of the State for all future time, they must employ skilled master masons to hew the corner-stones.

For the purpose of comparing the wages of teachers in other States with the salaries paid in our own, I insert a comparative table, for which I am indebted to the courtesy of the Superintendent of Public Schools of San Francisco, who has furnished it from the advance sheets of his report:

TABLE OF COMPARATIVE SALARIES.

	BOYS' HIGH SCHOOL.			GIRLS' HIGH SCHOOL.		BOYS' GRAMMAR SCHOOL.							
	Principal.....	Assistant.		Principal	Assistant	Principal	Sub-Master.....	Head Assistant.....	Second Assistant....	Third Assistant.....	Assistants.		
		Male.	Female.								1st year.	2d year.	3d year.
New York.....	\$4,000	\$2,500 to 3,000	} .....	.....	{ .....	\$2,000 to 3,000 +2,500	+\$1,000 to 1,800 2,000	} .....	.....	.....	\$500 to 800 450	} .....	..... \$550
*Boston.....	3,500	2,000 to 2,500	\$1,500	.....	.....	.....	.....	\$700	.....	.....	.....	\$500	.....
*Chicago.....	2,500	2,000	1,000	.....	.....	+2,000	.....	1,000	.....	.....	550	650	700
Philadelphia.....	2,250	1,500 & 1,800	}	\$1,800	\$600	1,500	.....	450	\$380	\$340	300	300	300
Baltimore.....	2,200	1,800	.....	2,200	700	1,600	... .. {	\$1,100 ||800	550	.....	500	.....	.....
*Cincinnati.....	2,200	1,760	660	.....	.....	+1,900	.....	1,300	.....	.....	700	700	700
*St. Louis.....	2,700	1,500	1,200	.....	.....	+1,700	.....	1,000	.....	.....	550	600	650
New Orleans.....	2,000	1,700	.....	||1,200	1,020	+1,500	.....	1,000	660	600	600	.....	.....
Lowell	2,000	1,500	500	.....	.....	1,500	.....	400	.....	.....	350	375	400
San Francisco.....	2,500	1,800	1,200	2,500	1,200	2,100	1,500	1,000	960	810	630	810	810

TABLE OF COMPARATIVE SALARIES—Continued.

GIRLS' GRAMMAR SCHOOL.					PRIMARY SCHOOL.					Teacher of Music	Teacher of Drawing.....
Principal.....	First Assistant.....	Second Assistant	Third Assistant.....	Principal	Head Assistant.	Assistants.					
						1st year.	2d year.	3d year.			
New York.....	\$900 to 1,200	†\$600 to 900	{ }	\$300 to 600	{ \$600 to 1,000	\$500 to 800	{ }	{ }	\$250 to 500	.....	.....
*Boston .....	.....	.....	.....	.....	.....	.....	.....	.....	550	.....	.....
*Chicago .....	.....	.....	.....	.....	.....	.....	.....	.....	700	.....	.....
Philadelphia.....	750	450	380	340	400	340	550	\$500	300	\$2,000	.....
Baltimore	1,000	700	500	500	700	.....	300	300	300	.....	.....
*Cincinnati.....	.....	.....	.....	.....	.....	.....	500	.....	.....	1,500	.....
*St. Louis.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,800	\$900
New Orleans.....	1,200	800	660	600	.....	.....	.....	.....	.....	1,500	.....
Lowell.....	750	.....	.....	.....	.....	.....	.....	.....	.....	1,500	.....
					900 to 1,200	.....	350	375	400	1,500	1,500
San Francisco.....	2,100	1,000	960	810	{ } 870	630	810	810	810	1,800	1,800

In most of the above cities an increase of salaries has been urged from year to year. The present rates are generally regarded as quite inadequate to the labor performed, and to the responsibility attending the position of teachers, and to the almost universal increase in the cost of living.

* Boys' and Girls' High School combined.

† Grammar and Primary Schools combined.

‡ Vice Principal.

|| Female.

EMPLOYMENT OF FEMALE TEACHERS.

Concerning the employment of female teachers in the elementary schools, I quote the following from an Eastern report :

"It is not a little remarkable that while in all the avenues and retreats of domestic life we have appreciated the power of woman, and have made the recognition of it a part of our religion and of our rhetoric, in this broad field of education our action has been in advance of our theories, and that the greater part of our schools have actually gone into the hands of female teachers before it has occurred to us to frame a theory in support of the practice. It looks a little as if our instincts had proved superior to our wisdom—as if our conduct had outrun our logic, as, I believe, usually happens in practical life. It proves the power of these conquerors in the State, that noiselessly and without public observation they have taken possession of the schoolhouses, where their success appears to be as absolute in shaping the characters of a rising generation of men as it is afterwards in turning the men themselves to the best account. And thus we have it before us, as a great fact of social progress and public administration, that the best instructors, they who best develop the faculties which afterward ostensibly prevail and rule in our affairs, are women, whom we have so long acknowledged rather as subjects for our protection than as moving powers of control and government. I speak of them as the best instructors, not to the exclusion of male teachers, and under the limitation of equality with males in acquired attainments and fitness. And it is after all a promulgation of a policy which has much to support it in the analysis of the mind and heart of the sexes. I cannot at this time expand this topic. I trust, however, that some of the many gentlemen who go about and do the lecturing upon education, while the women are doing so much of the teaching, will sometimes favor us with a discussion that shall be worthy of this question. When they shall do that they will portray those manifest and appreciable qualities, as well as those finer and more subtle qualities of nature, and genius, and art, and culture, and divinity, which makes woman in many respects the best teacher; best by reason of her masterly power of patience, which is sought in the first and in the last solemn nursery of life; best by her instincts, which are quite as safe as the common logic of men; best by her greater industry, which no labor paralyzes; best by her quicker perceptions, which are brought into beautiful play in all conversational or oral instruction, as well in the schoolroom as in the social circles; best by her moral sensibilities, which neither physical exhaustion nor mental fatigue can dull; by her radiant countenance, which reflects the soul and becomes a utility as well as a joy for ever; by the whole music of her nature, which makes the heart of the universal schoolroom of mankind to sing in tune with her own."

ORGANIZATION OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

John Swett.....Superintendent of Public Instruction.
William F. Tracy.....Secretary.

STATE BOARD OF EDUCATION.

Fred'k F. Low ..	Governor.
John Swett.....	Superintendent Public Instruction.
John C. Pelton.....	Superintendent Public Schools, San Francisco County.
F. W. Hatch.....	Superintendent Public Schools, Sacramento County.
Melville Cottle.....	Superintendent Public Schools, San Joaquin County.
John R. Brierly.....	Superintendent Public Schools, Santa Clara County.
Samuel I. C. Swezey	Elected Member.
J. M. Sibley.....	Elected Member.
George Tait.....	Principal State Normal School.

STATE BOARD OF EXAMINATION.

John Swett.....	Superintendent Public Instruction.
Theodore Bradley.....	Principal Boys' High School.
Ellis H. Holmes.....	Principal Girls' High School.
George Tait.....	Principal State Normal School.
Thomas S. Myrick.....	Principal Union Grammar School.

BOARD OF NORMAL SCHOOL TRUSTEES.

The members of the State Board of Education are made ex officio members of the Board of Normal School Trustees, with the exception of the Principal of the State Normal School.

BOARD OF EDUCATION FOR 1868 AND 1869.

On the 1st of December, 1867, Governor Low, Superintendent Swett, and Superintendent Pelton, will be succeeded by Governor Haight, Superintendent Fitzgerald, and Superintendent Denman; and on the 1st of March, 1868, Superintendent Hatch, and Superintendent Brierly, will be succeeded by Superintendent Trafton, and Superintendent Braly.

After March, 1868, the Board will be constituted as follows:

Henry H. Haight.....	Governor.
Rev. O. P. Fitzgerald.....	Superintendent Public Instruction.
James Denman.....	Superintendent Public Schools, San Francisco County.
Dr. — Trafton.....	Superintendent Public Schools, Sacramento County.
Melville Cottle.....	Superintendent Public Schools, San Joaquin County.
John H. Braly.....	Superintendent Public Schools, Santa Clara County.
Samuel I. C. Swezey.....	Elected member, term expires April 13th, 1870.
J. M. Sibley.....	Elected member, term expires April 13th, 1870.

STATE NORMAL SCHOOL.

George Tait.....	Principal.
Henry P. Carlton.....	First Assistant.
Miss E. W. Houghton.....	Second Assistant.
Mrs. Mary L. Swett	Third Assistant.

STATE NORMAL TRAINING SCHOOL.

Mrs. C. H. Stout.....	Principal.
Mrs. P. C. Cook.....	First Assistant.
Miss Mary G Heydenfeldt.....	Second Assistant.

FORMS AND BLANKS.

Since 1863, the forms and blanks of the Department of Instruction have been carefully revised and systematized.

In simplicity, neatness, economy, and business style, the official forms of this department are inferior to those of no other State. Previous to 1863, the reports of Census Marshals, Trustees, and teachers, were required in triplicate, one to the County Superintendent, one to the Trustees, and another to the State Superintendent.

Since then, these reports have been required only in single form, thus making a saving of two thirds in the expense of printing and postage, to say nothing of the saving of time and labor.

For the convenient form of the reports of County Superintendents, I am mainly indebted to the good taste of Hon. Newton Bateman, of Illinois. The State School Registers, in neatness and convenience of form, cannot be excelled. The reports of teachers and Trustees are so simple and concise that they are printed on a single letter sheet, and can be made out in half an hour from the account books of Trustees, or the registers of teachers.

The use of order books for Trustees, in the form of bank check books, has secured accuracy and uniformity in the financial transactions of Trustees.

The books for teachers' certificates, in bank check book form, on thin paper, has been a great improvement, and has secured a correct record of certificates issued.

The records of the State Board of Education, Board of Normal School Trustees, and the accounts of the department, have all been put into business shape, in neat and substantial books.

The Department of Instruction is under obligations to the State Printer for the superior style in which all the printing for this department has been executed.

The following is a list of blanks and blank books furnished by the department to County Superintendents, Trustees, and teachers:

Blank book for annual reports of County Superintendents.

Blank book for records of examination of teachers.

Warrant book of County Superintendent.

Order book of School Trustees.

Book of first grade county certificates.

Book of second grade county certificates.

Book of third grade county certificates.

State School Registers.

Blanks for Census Marshals.

Blanks for Trustees' reports.

Blanks for teachers' reports.

School Trustees' certificate of election.

School Trustees' certificate of appointment.

School library labels.

Blank agreement between teachers and Trustees.

Book of life diplomas.

Book of State educational diplomas.

Book of first grade State certificates.

Book of second grade State certificates.

Book of third grade State certificates.

Revised School Law, Rules and Regulations, etc., edition 1866, of 6,000 copies, all of which have been used.

Rules and Regulations of Public Schools, on large sized sheets, for posting in schoolrooms.

State examination questions, for use of County Boards, furnished semi-annually, 5,000 sheets each time.

Posters for school election notices.

STATE SERIES OF TEXT BOOKS.

The new State Board of Education under the Revised School Law, in June, 1866, re-adopted, with one exception, the text books adopted by the State Board in 1863, thus securing the permanent use of the same books for the period of eight years.

At the general request of teachers expressed in County and State Institutes, the Board substituted Cutter's Larger Physiology in place of Hooker's; but as comparatively few people use the larger work on physiology, the change did not involve any additional expense.

Clarke's Geography was also added to the list, to succeed Warren's Intermediate; but as it was not substituted in place of any other book, the addition involved no expense except to the advanced pupils who desired to use a higher book than Warren's Intermediate.

The use of Quackenbos' Composition, and Layres' Elements of English Composition, was authorized in schools where the teachers desired to pay especial attention to this important part of school study.

Under the provisions of Section 95 of the School Law, the Board of Education of the City of San Francisco was authorized to adopt Robinson's series of Arithmetics, and Kerl's Grammar, for use in the graded schools of that city. With this exception, the text books are now nearly uniform in both city and county schools throughout the State.

The State Superintendent has not found it necessary to enforce the penalty for not adopting the State series of text books in a single instance since the passage of the law in 1863. The people, seeing the advantages to result from it, have cheerfully complied with the law. Occasionally some teacher in a remote country district, wise in his own conceit, has smuggled some favorite old fossil text book, like Smith's Grammar, into use for a single term, but these cases have been exceedingly rare.

I am confident that this single provision of the School Law has saved to the people of the State during the past five years \$50,000 in the purchase of books, to say nothing of the incalculable advantage derived from it in classification of the schools. The action of the State Board in the adoption of the State series, was placed above suspicion from the fact that it was based upon the vote of the teachers assembled in State Convention.

A few honest-minded people at first were opposed to a uniform State series, on the ground that it would lead to a "monopoly" by publishing houses; but even these have now become convinced that the limited demand for California has not been sufficient to be felt at all by the great publishing houses in New York, Boston, and Philadelphia.

Willson's Readers.—The adoption of this series of Readers was indeed

fortunate for the schools and the children. Of all the books in use, these Readers have been the most popular both among parents and pupils. They have imparted a vast amount of useful information to teachers as well as pupils, and have done much to foster a love of natural science which hitherto has been almost entirely neglected in some of our public schools.

Even the "old line teachers," whose ideas had become stereotyped by long familiarity with old style Readers, have opened their eyes to the beauty and utility of pictures, and admit that it is possible to combine reading with instruction and amusement, and to teach it without relying on Fourth of July orations or the speeches of Demosthenes and Cicero.

It is gratifying to know that the popularity of these Readers has no parallel in the history of school books, and that the demand for them has been so great that even the immense establishment of the Harpers is unable to supply them as fast as ordered.

Marcus Willson deserves to be ranked as one of the greatest educators of the age, and as a benefactor of the public schools of the nation.

Eaton's series of Arithmetics meets the general approbation of teachers. It is an economical series, because only three books are required in the whole school course. Even admitting that Robinson's series is equally as good in matter, the fact that six books are required in the series will determine the question in favor of Eaton's series.

The new edition of Eaton's Common School Arithmetic contains a full explanation of the new metrical system of weights and measures.

All the different text books on geography seem to give general satisfaction, and will be continued until something better is published. Under the system of teaching pursued in most schools, little benefit is derived from the study of geography except as an exercise of memory.

Were a majority of teachers graduates of Normal Schools, familiar with new methods of instruction, the use of such a book as Guyot's Common School Geography might safely be recommended; but at present such a book would be out of place.

Greene's Introduction to English Grammar is a general favorite among teachers who aim to teach the use of the English language instead of technical grammar.

Quackenbos' Grammar is disliked by some teachers who make use of it, in classes which ought to use only the elementary work of Greene. Most of the ungraded country schools need no more advanced text book than Greene's Introduction. This book is used in the third class of the State Normal School, and is found quite enough advanced for pupils who, before entering the school, "went through" several formidable text books on grammar.

The reason is that in the Normal School the subject is taken up thoroughly.

The fact is that no text book can make the study of the English language "easy." It cannot be learned in "twelve lessons."

The impression prevails among some of the citizens of the State that the text books adopted for use in the schools are "partisan" or "political" in their character.

It has been charged, for instance, by a portion of the press, that "Lossing's History," adopted by the State Board of Education, contains certain objectionable, political, and partisan paragraphs. Whether it does or not, need not be discussed, for the book in question never was adopted by the State Board—Quackenbos' History being the official text book.

The statement so extensively circulated that a book entitled "Common School Readings," compiled by the State Superintendent, has been adopted and forced into use in the public schools, is equally untrue. The book in question was not designed for use as a *text book* or class reader, and was never adopted by the State Board as one of the State series.

The book was designed simply as an aid to elocutionary exercises, to be used by teachers or by any person who chose to buy it. Among half a dozen other elocutionary works, it was placed in the list of School library books on an equal footing with 1,500 volumes of miscellaneous books.

I am not aware that any one has yet discovered that any of the text books on arithmetic, geography, grammar, or physiology, are "partisan" in their character.

The impression seems to have prevailed in some parts of the State that the State Board and State Superintendent were "bought by book publishers," and that they have grown rich on percentages received from the sale of books.

The simple fact is that the State series of text books was voted on by the teachers of the State, assembled in convention, and adopted by the State Board, before the publishers in the East knew of the passage of a law authorizing the adoption of a State series.

At my request, the publishers of Eaton's Arithmetic, Willson's Readers, Quackenbos' Grammar, History and Natural Philosophy, furnished the State Normal School Library with full sets of their respective publications for the use of the Normal School pupils, to the value, say, of \$1,000.

Neither the State Board nor the State Superintendent has either received or asked any "consideration" from publishers, nor have they been insulted by any such propositions.

STATE COURSE OF STUDY.

The course of study recommended in my last biennial report was unanimously adopted by the State Board of Education. It was not expected that this course in all its details could be applied alike to all schools, but was furnished as a general guide to teachers in the organization and classification of schools.

Those teachers who have adopted it, and divided their schools into grades, all report in favor of it. There are some teachers, however, who have refused to make any attempt to grade their schools. It is of no use to argue the question with them. They have become so wedded to the old style of irregularity, disorders, and innumerable irregularities, that there is no hope of better things until they retire from the occupation.

I have neither time nor space to treat of the several studies in the course, but the subject of spelling seems to be generally taught to so little purpose, that I quote an article prepared by myself, and published in the *California Teacher* :

ORTHOGRAPHY.

The orthography of the English language is difficult to be learned, and it is not strange that many pupils leave the common schools unable to

spell with accuracy. Yet spelling is studiously pursued during the whole course of study, and in most schools more time is devoted to it than to most other studies. There is an evident defect in the methods of teaching it which are pursued in many schools. In the ungraded schools, in which teachers are pressed for time on account of the numerous classes, the lessons in spelling are mostly oral, and are studied from the columns of school spelling books. Written and oral spelling ought to be combined. The children in primary classes should first be required to print every lesson on the blackboard or on their slates, and after they have learned to write legibly, to copy their lessons in script. Even in the more advanced classes, the teacher should require the copying of lessons on slate, paper, or blackboard, as an indispensable part of its preparation, even for an oral lesson. The eye must be trained to recognize the written form of words. Copying a lesson is one of the best methods of studying it. Then the lessons may be recited orally, or by requiring the pupils to write the words from dictation.

It is an excellent plan to require classes occasionally to copy on paper or slate a page of print from the reader or grammar, the exercise to be corrected by an interchange of slates or papers. The papers of the careless pupils will be found full of blunders, notwithstanding they have had the printed page right before their eyes.

The teacher should conduct general exercises once or twice a week, by requiring pupils to make out lists of words in common use, such as the names of the various kinds of flowers, trees, metals, minerals; the names of articles of furniture, implements of agriculture, articles of merchandise, and so on through the whole list of object lessons. Pupils should be required to re-write their own compositions until every word is spelled correctly.

Written spelling takes time, but teachers, who on that account, require only oral lessons, make a very serious mistake. As in most of the schools in the State, more than nine tenths of the spelling lessons are exclusively oral, we make the following suggestions to young teachers on the manner of conducting such recitations:

Assign short lessons. Require each pupil to spell every word. Nothing is gained by running over the pages of the speller, leaving ten or twenty per cent. of the words "missed." Permit but one trial on a word. Pupils must not be allowed to guess at the spelling of a word. If they know how to spell it, they can spell it the first time. No assistance whatever should be given to pupils by pronouncing syllables, or by mispronouncing words to indicate the spelling. The pupils should be required to pronounce distinctly each word after it is dictated by the teacher. Require pupils themselves to detect the errors of the class. The habit of saying "next," only when a word is missed, is a bad one. Dictate the next word without indicating whether the spelling of the last was right or wrong. All who permit a mis-spelled word to pass them should be marked as failing.

Pronounce words correctly. Any teacher who knows how to use a dictionary is without an excuse for faulty pronunciation, and yet not unfrequently we have heard teachers mispronounce five words out of twenty-five in dictating a lesson, either by placing the accent on the wrong syllable or by giving some vowel a wrong sound. Never repeat a syllable by itself to aid the pupil. Pronounce every word distinctly, in a natural tone of voice. The thundering volume of the old fashioned "spelling tone" adds nothing to the effect of a lesson in orthography.

At times it may be advisable to require the pronunciation of each

syllable of the word. As a matter of convenience, advanced pupils may be allowed to spell without repronouncing the syllables of long words. On this point, N. A. Calkins, Assistant Superintendent of the New York City schools, makes the following suggestions, with which I fully concur :

"The plan of requiring pupils to pronounce each syl-la-ble sep-a-rate-ly while spelling, is one of those customs which have been established by long usage, and which continues to be followed more from the force of habit than because there are any good reasons for it. I am unable either from personal experience or from long observation upon the results of others in teaching spelling, to perceive any benefit arising from taking each word to pieces and treating the several syllables as if they were so many separate words, and then linking them together by repeatedly pronouncing the previous syllables as each successive one is spelled and annexed, thus : P-e-r per, p-l-e-x plex, perplex. i i, perplexi, t-y ty, perplexity. Rather than an aid to the pupils either in learning the spelling or the pronunciation of the word, I deem this repeated pronouncing of syllables a needless *perplexity* and hindrance to their progress in attaining the end for which spelling should be taught, viz : *to enable them to write words correctly.*

"Every requirement of the teacher that diverts the attention of the pupils from the order and arrangement of the letters that form the word, and from its pronunciation as a whole, is a hindrance rather than an aid to their progress in learning to spell. I do not believe that the repeated pronunciation of the separate syllables materially aids in pronouncing the word as a whole. Let the teacher pronounce the word distinctly and correctly, then require the child to pronounce it in the same manner, then to spell it by naming the letters of the given word in their order, making a pause between each syllable, and ending with again pronouncing the word correctly, thus : Com-mand-ment, c-o-m m-a-n-d m-e-n-t, commandment. Care should be taken always to require the pupils to make a pause between each syllable, while spelling, as a knowledge of the division of syllables is necessary in writing. By the above plan much time will be saved, and I am satisfied that more rapid progress can be made in teaching spelling, than by the common syllable-pronouncing method."

Assign a review lesson weekly, selecting the more difficult words. At the end of each month, review the lessons of the past four weeks.

In using Willson's Spellers, read the author's instructions, and require the pupils to use each word in constructing a sentence.

SCHOOL LIBRARIES.

The school library system provided by the School Law of 1866 is in successful operation.

It was established in accordance with my recommendation in the biennial report for 1865, and the following extract from my recommendations will show the reasons for establishing the system as adopted :

The need of school libraries is evident. All teachers admit it; every

State report since the second one of Mr. Marvin has recommended them. Yet nobody has done anything. Every attempt in the Legislature has been a failure. We are now entering upon a new era in our public school system—that of free schools. The time for *acting* has arrived, and that of talking ought to end.

After studying the plans of other States, and considering the subject in every possible relation, I have come to the conclusion that the following plan is the most practicable one which can at present be carried into effect in this State:

It should be made the duty of the County Superintendent in each county to annually set apart ten per cent. of the State apportionment of school moneys to each district, provided ten per cent. does not exceed fifty dollars, and to cause it to be held by the County Treasurer as a District School Library Fund; and it should be the duty of Trustees to expend this fund for library books, provided that when the amount is less than ten dollars the sum may remain in the treasury until, together with subsequent apportionments, it shall amount to that sum.

It should be made the duty of the State Board of Education to prepare an extended list of books suitable for school libraries, and from the published list Trustees should make all their selections for purchase. Such a provision would protect the libraries from trash literature and useless books. The Trustees should be made librarians, with power to make the teacher a deputy.

Here are the arguments in favor of this plan:

Will it not be economical, prudent, and wise expenditure of the public money?

Last year the total State apportionment of School Fund amounted to \$168,000, of which ten per cent. would be equal to \$16,800. But as in many districts the excess of ten per cent. over fifty dollars would be large, not more than \$12,000 would be set apart as a Library Fund. This sum, divided among the eight hundred schools, would give an average of fifteen dollars for each school. The average cost of the schools is three dollars a day, and the amount expended in libraries would cause a loss of five school days to each school during the year. Will any one pretend to say that a little library of good books in a small school is not worth more to the children than five days' schooling? Will not most intelligent men admit that a county school, sustained six months in a year, *with* a library, will accomplish better results than one sustained seven months *without* one? The rates of county school tax have been so much increased that the deduction of ten per cent. of the State apportionment will hardly be felt in the poorest school.

Therefore, the question of libraries is not one of increased taxation, but of the most judicious expenditure of the money already raised for school purposes. Thousands of children must remain without access to those best of teachers, good books, unless the public shall provide them.

It may be asked, why not reserve this ten per cent. of the State Fund before apportionment and expend it directly in books, to be furnished to the districts on certain conditions, as in other States? For the reason that no State Superintendent can have anything to do with such a purchase without being charged with speculation and peculation; because the labor of buying and distributing ought not to be added to his present duties; because no State Board of Education would wish to be troubled with the endless details of such an arrangement, and because the transportation by express would cost about as much as the books. Under the plan proposed, the Trustees are left to purchase as they please, of

whom they please, and what books they please, provided they keep within the list of the State Board, who ought to be able to present a list free from any possible objection.

Such libraries ought not to be confined to country schools; they are quite as necessary in large cities. While some children in the cities have access to books at home, there is a large class who are utterly destitute of any except such as are supplied in the Sunday Schools.

LIST OF LIBRARY BOOKS.

A list of books suitable for school libraries was adopted by the State Board of Education, December 27th, 1866. Previous to the adoption of this list a committee of the Board, of which the State Superintendent was Chairman, had prepared a list, published it in the *California Teacher*, and invited the criticisms and suggestions of teachers, school officers, and the press, for a period of three months. As no criticisms whatever were made on the list, it was fair to presume that it was satisfactory, and that it contained neither partisan, sectarian, or political books.

It was adopted by the unanimous vote of the Board. It will be understood that School Trustees make their own selection of books within the list. As the entire list numbers several hundred volumes, and would cost, say \$300, and as the average cost of each library purchased is less than \$20, it will be seen that Trustees have a wide range in selecting their books.

The fact that a book is placed on the list involves no necessity for its purchase.

The following is the list adopted :

- Abbott's American Historical Series; 8 vols. 12mo. America, Aboriginal. America. Southern Colonies. Northern Colonies. War of the Colonies. Revolt of the Colonies. Revolutionary War. Washington.
- Abbott's Child at Home; 16mo., illustrated.
- Abbott's Florence Stories; 6 vols., illustrated, 16mo. Florence and John. The Orkney Islands. The Isle of Wight. Grimkie. The English Channel. Florence's Return.
- Abbott's Franconia Stories; 10 vols., illustrated, 16mo. Agnes. Beechnut. Caroline. Ellen Linn. Malleville. Mary Bell. Mary Erskine. Rodolphus. Stuyvesant. Wallace.
- Abbott's Gay Stories. John Gay, or Work for Boys, 4 vols. Mary Gay, or Work for Girls, 4 vols.
- Abbott's Harlie Stories; 6 vols., square, 16mo. French Flower. Friskie, the Pony. Harlie's Letter. New Shoes. Sea Shore. Wild Peggie.
- Abbott's Harper's Story Books; 36 vols., illustrated, square 4to. The same, in 12 vols.
- Abbott's Illustrated Histories, Maps and Engravings; 28 vols. 16mo. Alexander the Great. Alfred the Great. Charles the First. Charles the Second. Cleopatra. Cyrus the Great. Darius the Great. Elizabeth of England. Gengis Khan. Hannibal. Henry IV, of France. Hernando Cortez. Josephine. Julius Cæsar. King Philip. Madam Roland. Marie Antoinette. Margaret D'Anjou. Mary, Queen of

- Scots. Nero. Peter the Great. Pyrrhus. Richard the First. Richard the Second. Richard the Third. Romulus. William the Conqueror. Xerxes.
- Adams' ("Oliver Optic") Army and Navy Stories; 6 vols., 12mo. The Soldier Boy. The Sailor Boy. The Young Lieutenant. The Yankee Middy. Fighting Joe. Brave Old Salt.
- Adams' Boat Club Series; 6 vols., illustrated, 12mo. The Boat Club. All Aboard. Now or Never. Little by Little. Try Again. Poor and Proud.
- Adams' Flora Lee Story Books; 6 vols., illustrated, small 4to. Christmas Gift. Uncle Ben. Birthday Party. The Picnic Party. The Gold Thimble. The Do Somethings.
- Adams' Riverdale Story Books; 6 vols., illustrated, small 4to. The Little Merchant. Young Voyagers. Dolly and I. Proud and Lazy. Careless Kate. Robinson Crusoe, Jr.
- Adams' Riverdale Stories; 12 vols., comprising the two preceding sets.
- Adams' Woodville Stories; 6 vols., illustrated, 4to. Rich and Humble. In School and Out. Watch and Wait. Work and Win. Hope and Have. Haste and Waste.
- Adams' Young America Abroad; first series, 6 vols., illustrated, 12mo. Outward Bound. Shamrock and Thistle. Red Cross. Dike and Ditches. Palace and Cottage. Down the Rhine.
- Æsop's Fables, various editions.
- Aimwell's Stories; 7 vols. Oscar. Clinton. Ella. Whistler. Jessie. Marcus. Jerry.
- Arthur's Home Stories; 3 vols., illustrated. Hidden Wings. Sunshine at Home. Sowing the Wind.
- Aunt Fannie's Six Mitten Books; 6 vols., illustrated. Mittens. Little Mittens. More Mittens. Two Story Mittens. New Little Mittens. Orphan Home Mittens.
- Aunt Fannie's Nightcap Series; 6 vols., illustrated. Nightcaps. New Nightcaps. Baby Nightcaps. Little Nightcaps. Big Nightcaps. Fairy Nightcaps.
- Aunt Fannie's Popgun Series; 6 vols., illustrated. Popguns. Big popguns. All sorts of Popguns. Funny Popguns. Grasshopper Popguns. Post Office Popguns.
- Aunt Fannie's Sock Stories; 6 vols., illustrated.
- Baker's Albert Nyanza.
- Ballantyne's Series; 6 vols. Freaks on Fells. Gascoyne. Gorilla Hunters. Life Boat. Red Eric. Wild Man of West.
- Bonniers' Child's History of Greece; 2 vols.
- Bonner's Child's History of Rome; 2 vols.
- Abbott's Jonas Books; 6 vols.
- Abbott's Little Learner Series; 5 vols. Learning to Read; Talk; Think; About Common Things; About Right and Wrong.
- Abbott's Lucy Books; 6 vols.
- Abbott's Marco Paul's Voyages and Travels; 6 vols., illustrated. Erie Canal. Forests of Maine. In Boston. In New York. In Vermont. Springfield Armory.
- Abbott's Mother at Home; 16mo., illustrated.
- Abbott's Practical Christianity.
- Abbott's Rainbow and Lucky Stories; 5 vols., illustrated, 16mo.
- Abbott's Rollo Books; 14 vols., illustrated, 16mo. Learning to Talk. Learning to Read. At Work. At Play. At School. Vacation. Experiments. Museum. Travels. Correspondence. Philosophy, Water. Philosophy, Air. Philosophy, Fire. Philosophy, Sky.

- Abbott's Rollo Story Books; 12 vols., illustrated, 18mo. Trouble in the Mountains. Causey Building. Apple Gathering. Two Wheelbarrows. Blueberrying. The Freshet. Georgie. In the Woods. The Garden. Steeple Trap. Labor Lost. Lucy's Visit.
- Abbott's Rollo's Tour in Europe; 10 vols., illustrated, 18mo. Atlantic. Paris. Switzerland. London. On the Rhine. Scotland. Rome. Geneva. Holland. Naples.
- Bonner's Child's History of the United States; 3 vols.
- Boone's (Daniel) Biography.
- Boy's Book of Indian Battles.
- Boy's Own Book.
- Boy's Treasury of Sports.
- Bryant's Poems.
- Child's Treasury of Fairy Tales.
- Coffin's ("Carleton") Days and Nights on the Battle Field.
- Coffin's Following the Flag.
- Coffin's Winning his Way.
- Cooper's Stories of the Sea.
- Cooper's Stories of the Wood.
- Defoe's Robinson Crusoe; two editions.
- Dickens' Child History of England; 2 vols., illustrated.
- Dickens' Little Folks; 12 vols.
- Dickens' Little Folks; 6 vols., two in one.
- Dickens' Nicholas Nickleby; two editions.
- Dickens' Pickwick Papers; two editions.
- Edgar's Biographies; 5 vols., illustrated. Boyhood of Great Men. Footprints of Famous Men. History for Boys. Sea Kings and Naval Heroes. Wars of the Roses.
- Edgar's Crusades and Crusaders.
- Edgeworth's Early Lessons; 5 vols. Frank. Sequel to Frank. Harry and Lucy. Harry and Lucy, concluded. Rosamond.
- Edgeworth's Moral Tales.
- Edgeworth's Parents' Assistant.
- Edgeworth's Popular Tales.
- Edwards' Biography of Self-Taught Men.
- Everett's Life of Washington.
- Excelsior Library; 4 vols. Famous Boys. Men who have Risen. Stories of Good and Great Men. Women of Worth.
- Gail Hamilton's Red Letter Days.
- Girl's Own Book; two editions.
- Goldsmith's Vicar of Wakefield; two editions.
- Goodrich's ("Peter Parley") Youth's Library of Biography; 6 vols.
- Goodrich's Youth's Library of History; 7 vols.
- Goodrich's Youth's Library of Literature and Science; 7 vols.
- Grimm's German Popular Tales.
- Hans Anderson's Ice Maiden.
- Hans Anderson's Sand Hills of Jutland.
- Hans Anderson's Library; 8 vols. The Story Teller. Ugly Duck. Little Ellie. Little Rudy. Christmas Greeting. Shoes of Fortune. Picture Book without Pictures. Mud King's Daughter.
- Hans Anderson's Stories; 12 vols., illustrated.
- Hawthorne's True Stories from History and Biography; illustrated.
- Hawthorne's Twice Told Tales; 2 vols.
- Hawthorne's Wonder Book.
- Hittell's Adventures of "Old Adams."

Hittell's Resources of California.

Holmes' Poems.

Howitt's Popular Tales; 14 vols. Alice Franklin. Hope on, Hope Ever. Little Coin, Much Love. Love and Money. My Own Story. My Uncle. No Sense like Common Sense. Sowing and Reaping. Story of a Genius. Strive and Thrive. Two Apprentices. Which is Wiser? Who is Greatest? Work and Wages.

Hughes' Tom Brown at Rugby.

Hughes' Tom Brown at Oxford; 2 vols.

Ingelow's Stories Told to a Child.

Juvenile Library, by Mrs. Tuthill, Howitt, and others; 14 vols. I will be a Gentleman. I will be a Lady. Happy Days, and the Warning. A Strike for Freedom. Onward, Right Onward. People of Bleaburn. Boarding School Girl. Boy of Spirit. When are We Happiest? Hurrah for New England. Mary Leeson. Ellen Stanly. Anything for Sport. Keeper's Travels.

Kane's Arctic Explorations; 8vo.

Laboulaye's Fairy Book.

Lander's Spectacles for Young Eyes; 7 vols.

Leslie's Little Agnes Library, for Girls; 4 vols., illustrated. Little Agnes. Trying to be Useful. I'll Try. Art and Artlessness.

Leslie's Play and Study Series for Boys; 4 vols., illustrated. The Motherless Children. Howard and His Teacher. Jack, the Chimney Sweeper. Play and Study.

Library of Modern American Heroes; 6 vols.

Librarian's Record Book: an Official Record for the Teachers and Librarians in charge of Libraries.

Lights and Shadows of Scottish Life.

Longfellow's Poems; 2 vols, 12mo.

Mann's Flower People.

Marryatt's Privateersman.

May's (Sophie) Little Prudy Stories; 6 vols. Little Prudy. Sister Susie. Captain Horace. Cousin Grace. Story Book. Dotty Dimple.

Mayhew's Peasant Boy Philosopher.

Mayhew's Sir Humphrey Davy.

Mayhew's Young Ben Franklin.

Men of History; fine edition, illustrated.

Merry Tales for Young Folks; 6 vols., illustrated. Tales of the Saxons.

Kangaroo Hunters. Canadian Crusoes. Canadian Forest. Comical People. Merry Tales.

Morley's Fairy Book.

Mulock's Fairy Book.

My Favorite Library; 6 vols. Favorite Scholar. Right and Wrong. Claudius. Always Happy. Private Purse. Turns of Fortune.

Pastime and Recreation.

Paul and Virginia; two editions.

Reid's (Mayne) Story Books; first series, 12 vols., illustrated. Desert Home. Forest Exiles. Boy Hunters. Young Voyagers. Bush Boys. Young Yagers. Plant Hunters. Ran Away to Sea. Boy Tar. Odd People. Bruin. Cliff Climbers.

Reid's Story Books; second series, 4 vols., illustrated. Ocean Waifs. Boy Slaves. Giraffe Hunter. Afloat in the Forest.

Smiles' Brief Biographies.

Smiles' Industrial Biography.

Smiles' Life of Stephenson.

Smiles' Self Help.
 Stoddard's Adventures in Fairy Land ; illustrated.
 Street's Poems ; 2 vols.
 Common School Readings.
 Swiss Family Robinson.
 Temperance Tales ; 12mo.
 Triumphs of Ancient Architecture.
 Triumphs of Modern Architecture.
 Trowbridge's Brighthope Series ; 5 vols., illustrated. Old Battle Ground.
 Iron Thorpe. Hearts and Faces. Father Brighthopes. Burr Cliff.
 Tuthill's History of California ; 8vo., cloth.
 Tyler's Papers for Thoughtful Girls.
 Whittier's Poem's ; 2 vols.
 Young Americans' Library of Eminent Statesmen ; 6 vols.
 Young Americans' Library of Famous Generals ; 6 vols.
 Youths' History of the Rebellion ; 4 vols.

EDUCATIONAL.

Barnard's American Teachers and Educators.	Northend's Teacher and Parent.
Bates's Institute Lectures.	Page's Theory and Practice of Teaching.
Bates's Method of Teachers' Institutes.	Pepper's Scientific Amusement for the Young.
Beecher's Lectures to Young Men.	Philbrick's Primary Speaker.
Brookfield's Composition.	Philbrick's Union Speaker.
Calkin's Object Lessons.	Russell's Exercises on Words.
Cowdery's Moral Lessons.	Russell's Normal Training.
Emerson's School and Schoolmaster.	Russell and Murdock's Vocal Culture.
Fowle's Hundred Dialogues.	Sargent's Dialogues.
Fowle's Teachers' Institutes.	Sargent's School Speaker.
Guyot's Common School Geography ; Teachers' edition.	Sheldon's Elementary Instruction.
Jewell's School Government.	Sheldon's Lessons in Objects.
Kindergarten Guide.	Watson's Manual of Calisthenics.
Lewis' Manual of Calisthenics.	Webster's New Pictorial Dictionary Unabridged.
Mann's Lectures on Education.	Wells' Graded Schools.
Mann's Works.	Wickersham's School Economy.
Mason's Manual of Calisthenics.	Wood's Class Book of Botany.
New York Speaker.	Youman's Culture of Modern Times.
Northend's School Dialogues.	
Northend's Teacher's Assistant.	

SCIENTIFIC.

Agassiz's Geological Sketches.	Hooker's Natural History.
Agassiz's Methods of Study in Natural History.	Mattison's Elements of Astronomy.
Agassiz's Structure of Animal Life.	Mayhew's Wonders of Science.
Faraday's Chemistry of a Candle.	Mitchell's Planetary and Stellar Worlds.
Gray's "How Plants Grow."	Mitchell's Popular Astronomy.
Guyot's Earth and Man.	Reason Why in Science.
Hooker's Child's Book of Nature.	Wells' Science of Common Things.
Hooker's First Book of Chemistry.	Whitney's Geology of California.
Hooker's Science of Common Things 3 vols.	Wood's Homes without Hands.

MISCELLANEOUS.

Bancroft's History of the United States ; 9 vols.	Irving's Works ; 24 vols.
Barnard's Journal of Education ; 14 vols.	Lossing's Illustrated History of the Rebellion.
Cooper's Novels ; 33 vols.	Macaulay's History of England ; 5 vols.
Dickens' Novels ; 2 editions.	Motley's Dutch Republic ; 3 vols.
Gibbons' History of Rome ; 6 vols.	Motley's United Netherlands ; 2 vols.
Guizot's History of Civilization.	New American Cyclopædia ; 21 vols.
Hildreth's History of U. S. ; 6 vols.	Prescott's Works ; 15 vols.
Hume's History of England ; 6 vols.	Scott's Works ; 12 vols.
Lossing's Field Book of the Revolution ; 2 vols.	Shakespeare's Works.
	Thackeray's Works.

The following truthful remarks on the importance of school libraries, from Superintendent Bateman's report for 1866, are worthy of repetition :

"The ability to read the best books, interpreting, and possessing their meaning, is a power which a teacher should seek to awaken and cultivate. Children are taught arithmetic, grammar, rhetoric, and elocution in the school, but what parent insists that his child shall be taught to read in the only true sense? or what teacher habitually remembers the true aim, and scope and dignity of his profession in this regard?

"Of what use is it that our children spend most of their years from infancy to manhood in the schoolroom, if in those years they learn nothing higher than how to apply the sciences to the arts of buying and selling, and getting gain? Gain misnamed; the semblance of gain, apples of Sodom! If, when the mind is most free from prejudice, and the power of vicious habits, if in childhood, the teachable time of life, the love of books springs not up, and grows not strong, to the exclusion of that dominion over the life which passion struggles for, the love of reading will rarely be born at a later period, and whatever else may have been gained in the faculty of 'getting on' in life, the true end of education will have been missed. That to 'get on' in life, to gain wealth, or power, or achieve social position is the object of education, is an idea that has held sway too long. We want to unlearn the false lesson, to expurgate it from our school plan. The enemies of a free government could invent no more sure way to sap the strength of the institutions they hate, than to introduce narrow, mean, and false aims into the educational system of that free government. Our own safety then as a free people, and that of those who shall inherit this land after us, is to be insured only by steadfast adherence to the true, and infinitely grander conception of education, as the culture of the mind and soul into those proportions for which God has fitted them. Could the generation of children now in school be brought to apprehend the right meaning of education and reach the just measure of its results, their age would be marked by successes more worthy, by progress more enduring, than any that ours or the past can boast of. To help them to this just understanding, they must be furnished with something beyond the text book, and be taught in more ways than the usual routine of the recitation. The library should offer them the counsel of all purest and most thoughtful minds. History should teach them, Philosophy purify their minds, and Poetry fire and exalt their affections. The teacher should

be fitted to use the library as an educational instrument, as well as the blackboard, the map, or the mathematical instrument.

"That this implies a higher standard of fitness on the part of the teacher, than any yet fully recognized, is true. The teacher finds himself constantly called on for the exercise of better powers and higher fitness. Should it be objected, that the average time spent by the scholar in school will not admit the attainment of such a degree of culture as makes a school library important or necessary, and that the things of practical use should be learned at school, and the rest left for the opportunities and discipline of after life, it may be answered that enlarged power of thought is the most practical of all powers, that pure and strong character is the only surety of the best success, and that childhood is the period in which to educe those powers of mind and character. When it is admitted that the reading of the right books is an auxiliary means of educating the young not to be doubted or neglected, the necessity of a free school library is admitted. Is the education of every child too vital a question to society to be left entirely to the poverty of the poor, the prejudices of the bigoted, and the ignorance and meanness of all classes? then the providing of the library, an instrumentality of education so potent, can, for the same reasons, not be left to the individual alone.

"Not only would the public library for the school more surely provide for all, but it is easy to prove that, as a measure of economy, it would be cheaper than the private library for each. The man of moderate means might in this way secure for his children, by paying a small tax annually, the use of a better selected and far more varied collection of books than manifold the sum thus paid would be for their exclusive use."

SCHOOL LANDS OF CALIFORNIA.

By the action of the Constitutional Convention, September, 1849, Section 1 of the Constitution provided that the grant of 500,000 acres of land to the State of California, for the purpose of internal improvement, should "be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State."

The law regulating the sale of 500,000 acres of school lands, passed May 3d, 1852, authorized the Governor to issue land warrants of not less than 160 acres, nor more than 320. The State Treasurer was authorized to sell said land at two dollars per acre, and to receive bonds of the civil debt of the State, and to convert all moneys, and all State three per cent. bonds or Controller's warrants so received by him, into bonds of the civil funded debt of the State, bearing interest at seven per cent. per annum, and to keep such bonds as a special deposit, marked "School Fund," to the credit of said School Fund.

In 1854 the proceeds from the sale of these lands amounted to \$463,000.

The School Law of 1858 provided for the sale of the 16th and 36th sections of the school lands by the County Boards of Supervisors, the proceeds to be invested as "Township Funds." Under this law only 18,720 acres were sold.

Early in the session of 1861, Hon. John Conness introduced a bill into the House, which was passed, providing for the sale of the 16th and 36th sections of school lands, and that the proceeds should be paid into the State School Fund. Thus, after many years of impracticable legislation, in which each successive Legislature tinkered on a township land bill, a plain and practicable law was passed, under the provisions of which in less than a year nearly 200,000 acres were sold, and the proceeds applied to the State School Fund.

In 1863, the total amount of proceeds from the sale of school lands was \$475,000; but the amount, instead of being invested in seven per cent. bonds, had been used by the State for current expenses.

Superintendent Swett secured the passage of an Act providing for the gradual funding of the indebtedness of the State to the School Fund, which amounted at that time to \$475,520.

Under authority of an Act, approved May 3d, 1852, providing for the disposal of the 500,000 acres granted to this State by Act of Congress, for the purpose of internal improvements, and reserved by the State Constitution for school purposes, it was made the duty of the State Treasurer to convert the proceeds "into bonds of the civil funded debt of the State, bearing seven per cent. interest per annum, and to keep such bonds as a special deposit in his custody, marked 'School Fund,' to the credit of said School Fund."

This provision was never complied with, for payments were made in depreciated scrip or Controller's warrants; the scrip paid in was cancelled, and to this extent the School Fund was used by the State to defray the ordinary expenses of government. The State, therefore, owed to the School Fund the sum of \$475,520, derived from the sale of 237,760 acres of land sold prior to April 23d, 1858.

The State has always recognized this debt by appropriating annually for school purposes a sum equal to the interest at seven per cent. per annum upon the amount of this indebtedness. But the school department was placed completely at the mercy of the annual general appropriation bill; and if no appropriation was made, as was the case in 1861, there was no redress.

The Act approved April 14th, 1863, provided for the gradual funding of this unfunded debt to the School Fund, by requiring that whenever State bonds were redeemed, such bonds to such amount as should thus be redeemed with the sum of \$575,520, should not be cancelled, but should be kept as a special deposit in the custody of the Treasurer, marked "School Fund," in the same manner and for the same purposes as the bonds directly purchased for said School Fund.

This was an important measure. Under its provisions the entire indebtedness of the State to the School Fund has been converted into State bonds at seven per cent.

The total amount of the State School Fund invested in State bonds is \$725,000.

The total sales of the 16th and 36th sections to date of October 23d, 1867, stands as follows:

Surveyed lands.....	\$246,958
Unsurveyed lands.....	260,444
Total	\$507,402

Grant of 500,000 acres was all sold. Seminary lands, 72 sections, 46,080 acres, all sold. Agricultural College, 150,000 acres, unsold.

The proceeds of the seminary lands, prior to 1863, instead of being invested in bonds marked "Seminary Fund," have been incorporated into the common School Fund, subject to action of the Legislature when the fund may be wanted.

The amount invested in seminary bonds stands as follows:

1864	\$7,000 00
1865	3,000 00
1866	5,000 00
1867	7,000 00
Total	\$22,000 00

About \$35,000 are thus shown to be due from the School Fund to the Seminary Fund.

The total amount of school lands in California, under the grant of the 16th and 36th sections, including the mineral sections, would be 6,755,000 acres; but the question is yet undecided whether in the mineral regions these sections can be set apart for school purposes.

THE INSPECTION OF SCHOOLS.

The County Superintendent is required by law to visit each school in his county at least once a year. In some counties, the salary of the Superintendent is so small and the distance to be travelled so great, that even this one annual visit cannot be made. It is evident that a formal visit, once a year, can be of little value to a school. A few counties only pay a salary sufficient to enable the Superintendent to make a thorough supervision of the schools. Placer County pays a salary of \$1,800; El Dorado, \$1,400; Sonoma, \$1,400; enough to secure a fair supervision of the schools.

The County of Santa Clara, which has 44 school districts, 4,608 census children, which expends annually \$49,023 03 for public schools, pays its County Superintendent only \$900 a year. The travelling expenses of the Superintendent, were he to visit the schools as often as a thorough supervision requires, would amount to more than half this sum. It would be good economy for this county to pay a Superintendent \$1,800 a year, and then require him to give his whole time to the schools.

Nevada County pays only \$600 a year, one half of which would barely pay the travelling expenses of the Superintendent were he to devote one day to visiting each of the 25 districts in the county.

San Joaquin pays only \$1,250 a year for the supervision of her 55 school districts, less than the salary of a first class teacher; and yet the able and earnest Superintendent has devoted his whole time to the work of his office for the past four years.

Alameda County, with 27 districts, pays only \$600 a year, one half of which ought to be expended in travelling.

Solano County, with 30 districts, pays only \$450, in county scrip, to one of the best Superintendents in the State. It is an honor to Mr. Simonton that he has consented to hold the office and to do the work without pay, and a disgrace to the county that he has not been paid a fair compensation for his labor.

Sierra County, with 20 districts, pays only \$400; and Siskiyou County, with the same number of districts, only \$600.

It is useless to expect school supervision without paying for it. The smaller counties of course cannot afford to pay a salary sufficient to require the Superintendent to devote his whole time to the office. The office must be held by some person who shall make its duties incidental to some other occupation. But in at least 12 counties in the State it would be the wisest economy to elect competent teachers to the office, pay them fair salaries, and require them to devote their whole time to the supervision of the schools. The common sense of the people in most of the counties leads them to the opinion that this office should be held only by professional teachers. Both political parties at the last election recognized this plain principle by very generally nominating teachers for this office. It now remains only to increase the salaries of County Superintendents, so that they can devote their whole time to the schools.

Examining teachers, drawing warrants, keeping the books, and making an annual report, constitute the least important part of the duties of a County Superintendent. The efficiency of the school system of the State depends, in a great measure, on the manner in which he discharges his duties. They must see that teachers adopt the State course of study, and that they enforce the rules and regulations of the State Board of Education. He must secure good teachers for the schools, and exclude those who are found on trial to be incompetent. He must aid young and inexperienced teachers to organize their schools. A single visit of a day by an intelligent and skilful officer may change the character of a school for the whole term. He ought to visit the districts and address the people on the subject of education, and on the wants of the schools. It is idle to expect to secure talented and able teachers for this office when the salary is less than that of a second rate teacher.

Hon. J. M. Gregory, of Michigan, in his able report for 1863, makes the following suggestions concerning the duties of a good school visitor, which I quote for the benefit of the Superintendents who are paid enough to be expected to do their full duty:

"1st. He should look narrowly to the character and condition of the schoolroom. He may not be able to secure a repair of its broken walls or ruined floor, nor to get it properly ventilated and warmed; but he can sometimes procure a re-arrangement of its seats to make them more convenient; and at any rate, he can by a few kind but earnest words of advice, urge the teacher to keep it clean and in order as a necessary condition of an orderly school.

"2d. Let him have a keen eye for the indication of good government, the order and system maintained by the teacher, and the prompt and quiet obedience of the pupils. In a well governed school, not only will there be a general quiet throughout the room, but the work of the school will go on with system and regularity. Each class will have its regular hour, and will, at the signal, rise promptly, and move in order to the place of recitation. The exercises will not be broken in upon by the calls of pupils outside of the class, nor by the efforts of the teacher to

repress mischief and restore order in the other parts of the room. The teacher will neither scold nor threaten, and the pupils will sit and work in a cheerful and easy quietude, as far from the constrained and awkward silence of fear, as it is from the lawless license and riot of ungoverned disorder. Reflecting that good government is the first and fundamental condition of a good school, the skilful visitor will wisely counsel with the teacher as to any faults he may have observed, and seek to aid him in the introduction of better rules, by the recommendation of some more systematic arrangement and order in the school work. The force of perfect system is mightier than the force of the rod, in the government of a school.

"3d. The methods of teaching will receive the most earnest and careful attention of the wise visitor. There is a lazy and shiftless way of teaching, fallen into by many teachers, which consists in a mere unthinking reading of the questions in the book, in their order, to the member of the class taken in one invariable round, and patching out the mumbled and mutilated replies; and then, after assigning the next lesson, dismissing the class. Such an exercise is almost utterly useless. The aim of a good recitation is threefold: 1st, to ascertain that the class have thoroughly studied the lesson both in its form or language and in its substance or thought. 2d, to drill them by rapid and varied questionings in the facts, formulas and operations contained in it; and 3d, to awaken their minds to the subject, and lead them to a thorough understanding of it. A good class exercise will be clear, distinct, thorough, lively to eagerness, interesting, and generally short, to avoid flagging and weariness. More questions will be asked out of the book than in it, and will never be given to the pupils in the order in which they sit or stand. No replies will be accepted that are not clear and correct, and no hints to start with, or patching at the close, will be offered by the teacher. The pupil will be required to stand on his own knowledge of the lesson, and to exhibit independently just how much he knows of it.

"To correct errors here, and to introduce new and happier methods, the experienced visitor will give his best efforts. His largest knowledge of schools and of teaching will be needful to enable him to detect the defects that exist, and to offer the remedies required.

"4th. The moral condition of the school, as exhibited by the conduct and language of the pupils, on the playground as well as in the school room, is another point demanding the careful attention of the inspector. If the pupils are quarrelsome and profane, or excessively rude and vulgar in habits—if they are indolent, untidy, untruthful, or eye servants, negligent of duties and disobedient to authority, then the school is indeed sadly defective, and full of deadly peril both to the character of the pupils and to the peace of society. The cure of these disorders is often difficult, and to be accomplished only by long and patient efforts; but the teacher who suffers such evils to exist, and does not labor earnestly and by all proper methods to eradicate them, is unfit for his place, and should be speedily dismissed. The chief forces available for the moral education of a school are: 1st—A good government, which maintains and teaches good order and obedience to rightful authority and to duty; 2d—Neatness of rooms and of persons, inspiring self-respect and decency of habits; 3d—A general politeness and courtesy of manners and address maintained between the teacher and pupils, and among the pupils themselves, aiding to soften down the temper and to promote kindly feelings; 4th—The reverent reading of the Bible at the opening of school, accompanied by prayer, if the teacher chooses, to cast the influence of its high

sanctions on the conscience of both teacher and pupils; 5th—The reading frequently to the school of stories of the virtuous and heroic deeds of noble men and women, to inspire like sentiments in the susceptible mind of childhood; 6th—The clear explanation to the school, and, as much as practicable by question, leading the children themselves to the discovery of the nature and wrongfulness of each vice, and of the obligation and benefit of every virtue; 7th, and finally, the administration of proper penalties for the faults, and of proper approval for the right doing of the pupils themselves. Learning loses all its higher values when linked to vice, and the thoughtful visitor will count it his highest duty, both to the school and the State, to watch narrowly the moral influences that are at work in the schoolroom.

"5th. The condition and use of apparatus, blackboards, and maps, will also attract the attention of the visiting Inspectors. The power of visible illustration is difficult to be overstated. The pupil of the eye is the only pupil never addressed in vain. The introduction of the blackboard has revolutionized modern teaching, and the teacher skilled in its use can scarcely fail as an instructor:

"6th. Let the visitor also examine the daily roll or record of the school, both to ascertain its condition and its correctness in manner, and also to learn from it the degree of regularity in attendance. Often the young teacher can be aided by a few suggestions, to better methods and greater accuracy in keeping the register.

"7th. As the Inspector is entrusted with the oversight of all the educational machinery of the districts, he should examine also into the condition and general usefulness of the district or township libraries. He should advise as to the selection of books, and as to the general management, and urge the teacher to promote their wider use. An inspection of the librarian's record will tell him how extensively the books are loaned and read.

"The best time for visiting schools will be found to be shortly after the term has opened. Two or three weeks may be allowed in which to get the school organized and show the effect of the teacher's plans. A visit then will enable the Inspector to judge of the value of the work that is being done, to nip in the bud any evil practices or errors which are likely to mar the usefulness of the school, and to offer any suggestions needful for its improvement. A visit made near the opening of the term is of twice the utility of any made at the middle or latter end. It would be better still if a second visit could be made near the close, to observe the progress made, especially if both teacher and pupils were looking forward to such second visit from the time of the first.

"The Inspector will do well to secure, if possible, the presence and co-operation of the District Board in his visits. Not only will the district officers be brought, by this means, into a closer acquaintance and clearer knowledge of their school, but the Inspector will secure the opportunity of counselling with them as to the improvements desirable to be made, and urge upon them the wants and necessities of the school."

From the report of Hon. Newton Bateman, of Illinois, 1866, I quote the following eloquent appeal for liberal salaries:

"I ask for these faithful and devoted men a fair compensation for their services. If any are not faithful, devoted, and competent, it is not the fault of those who are, and the latter should not be judged by or suffer for the ill deserts and shortcomings of the former: the law presumes all

its officers to be equal to their duties and to earn their pay. County supervision of schools is the right arm of power in our system. It cannot be dispensed with. It has done more than any other one agency to make our schools what they are, and its vitalizing influence is more and more manifest every year. More and better work has been done by it the past year than in any other year since the system was established. Some of the results of the labors of these men are seen in the facts and figures of this report. Some of the counties have been almost revolutionized in respect to schools and education during the past year, and the County Superintendents have done it. They have visited the schools, visited the parents, held institutes, addressed the people, issued circulars, written for the press, published reports, and mightily awakened and quickened the public mind. By their influence and efforts districts have been consolidated, schools have been graded, superior teachers employed, courses of study perfected, controversies settled, schoolhouses built and furnished, and the whole aspect of educational affairs changed for the better. I know that these things are so because I have seen them; I have visited many of these good and true men in the scenes of their labors, and witnessed the results that I describe. I declare my belief that the destruction or crippling of the county superintendency would be the severest blow that could now fall upon our common schools. Let these men be encouraged; let them be sustained; let them be paid—paid a sum sufficient to enable them to give their whole time and energies to the common school work. It 'will pay' to do this; no other investment of equal amount will yield richer returns or more enduring blessings. Books will not do this work; circulars will not do it; occasional lectures will not do it; the teachers cannot do it; the people have no time for it; the State Superintendent cannot do it; nothing but the living presence and voice, the watchful care, devotion, energy, earnestness, and inspiration of a good County Superintendent of Schools who loves the work and is fitted for it, can accomplish it. I know that some of the best Superintendents in the State intend to resign because they cannot possibly support themselves and families upon the compensation now allowed. Many of these men have actually expended in the public service more than they have received for their work. This they cannot continue to do: it should not be expected. Let not true men be compelled to leave a work which they are doing so well because it does not bring them bread enough to eat. It would be a public misfortune to lose such men from the free school work. What is the sum that would satisfy, encourage, and retain these men, to the counties that receive the benefit of their services? Who would feel it? What would it amount to per man on the books of the Assessors? Why should all other county officers be liberally paid except these? Why should all other county work be esteemed of value except the work of school supervision? Wherein is it of more moment to the welfare of a county to levy and collect taxes, keep records, have the custody of funds, build bridges, open roads, establish boundaries, etc., than it is to direct, supervise, improve, assist, energize, and vitalize its schools and school appliances and agencies whereby the whole youthful population are to become good and intelligent men and women, and useful citizens? And why then should County Assessors, Collectors, Clerks, Treasurers, Sheriffs, surveyors, etc., be suitably paid for their services, while our County Superintendents are not suitably paid for the at least equally important and

far more difficult and arduous services rendered by them? Would any man accept or hold any of the other county offices named, for the compensation allowed School Superintendents? Is not the policy of half-payment for important and necessary public services an unwise and short-sighted policy? Was any public or private enterprise or interest ever known to prosper under such a policy? Is it not a direct bid for incompetent or dishonest public servants? or should honest and capable men be compelled to make personal sacrifices, or see a great public interest suffer for lack of care?"

SCHOOL DISCIPLINE.

The law and the decisions of the Courts relating to corporal punishment in school, were fully presented in my last biennial report.

Practical teachers, almost without exception, unite in this opinion: That it should be the aim of all teachers to govern without bodily punishment, as far as practicable; but that it is indispensable to good government that the teacher have the right to inflict it in extreme cases, as a last resort; that it is better to punish and subdue a pupil than to expel him from school; and, that as parents are sometimes compelled to resort to it in the home government of children, so teachers are forced to employ it in school as a means of discipline.

No Board of Education, or Board of Trustees in the State, has passed any regulation prohibiting the exercise of this power.

It is satisfactory to know that throughout the schools of the State the infliction of corporal punishment is the exception, and not the general rule, and that it is the study of the intelligent teachers to reduce it to the lowest possible minimum. Many schools, indeed, are governed for months in succession without any resort to such punishment; but this is only rendered possible by the reserved right of the teacher to inflict it if necessary.

During the past year, in some of the Eastern cities, this subject has been a fruitful theme for discussion, and in some cases, of decidedly foolish action on the part of Boards of Education, which have been influenced by the transcendental sentimentalism which originates in the imaginative brains of those who never had any practical acquaintance with the diverse, and sometimes turbulent elements which enter into a public school.

Teachers, as a class, are averse to inflicting punishment; they resort to every other means before making use of it, and not unfrequently fail to inflict it when their judgment dictates that it should be done.

The traditional schoolmaster, delighting in "thrashing boys," is extinct.

Even admitting that corporal punishment is an evil to be avoided, a turbulent and disorderly school is a greater evil.

The common sense of the great majority of teachers, and the good sense of the great majority of parents, will practically settle the whole question.

Corporal punishment is not inflicted upon the girls at all, in the public schools, with the exception, perhaps, of some of the primary classes, in which it is limited to a few taps of the rattan on the palm of the hands.

More than three fourths of the boys pass through their whole school life without ever being subjected to any kind of corporal punishment.

In the large graded schools of the cities, where teachers are permanently employed, as a result of systematic training, many classes are well governed without any resort to physical force.

Let us all hope for the time when children shall be so well governed at home, and when teachers shall be so well fitted for their profession that corporal punishment in every form may be banished from the schoolroom; but until then, so long as many children are unruly, and many teachers unexperienced, let us be satisfied by reducing it to the lowest possible minimum consistent with good order and well regulated schools.

On this subject, a special committee appointed by the Board of Education of the City of Boston, in relation to corporal punishment, made the following report:

"We are unanimous in our opinion, that where the least corporal punishment was used, there the best discipline was observed. Where the discipline was of a mild and conciliatory character, calculated to beget reciprocal influences between the teacher and scholar, the interest awakened in study and good behavior seemed developed and strengthened, and the very countenance of the scholars, on entering the room, showed their love of the place. On the contrary, in those schools where a great amount of corporal punishment was used, there was a forced attention to study, a sort of criminal look to the scholars, and everything betokened a frigidity of action, a want of that mutual sympathy which is the very breath of school life—a look of fear which seemed to denote distrust, embarrassment, confusion of thought, and almost moral cowardice, appearing to induce an unhealthy development of disposition and character, unlike the dignity of a genuine moral and kindly influence."

Superintendent Philbrick makes the following remarks:

"In regard to girls' schools, the same committee express the opinion that corporal punishment should never be used, and find their justification in the very gratifying fact that 'in two of the best girls' schools in our city, corporal punishment is not used, nor allowed on any condition.' It is to be regretted that their attention was not called to what has become in some measure a substitute for the birch and the ferule, the effort to insure order, punctuality, and study, by giving 'checks' and 'misdemeanors.' This evil, there is reason to believe, has grown to alarming dimensions, and it is surprising that any intelligent, discriminating teacher could have been beguiled into its adoption. It is an inequable method of discipline. It makes no distinction between moral obliquities and accidents. It appeals neither to reason, nor to the affections, but only to the basest and most venial motives. It neither subdues, nor convinces, but simply enforces. It neither guides nor allures, but fetters. It has none of the virtues of the old historic birch. That inflicted but physical pain; this wounds the spirit. That was a conflict of a moment, in which the victory was of an authority asserted and maintained; this is a continuing conflict, irritating the spirit and growing into moral gangrene. That was a manly hearing and defence, an open discussion of a defined issue; this a one-sided edict of condemnation. That was a punishment inflicted and ended; this is a punishment not only inflicted, but continued to modify the rank, and standing, and

be deficient in some daily lesson of his class, or transgress some petty rule without its being known, than to make one false report, or to equivocate, or even to hesitate a moment in regard to what is strictly and sacredly true. No intellectual good, however great, ought to be purchased by the sacrifice of moral principle. Under such a system as this, the truly conscientious pupil, who always reports the truth, must have his offences recorded in a note book, and at length be punished for acts that have not really disturbed the school, and many of which would not have been known without his honest confession; while others, whose consciences are less sensitive, or who have become expert in concealing their faults, escape altogether. I am aware that there are some teachers of long experience, who contend for the self-reporting system, as a valuable auxiliary in school government. There may be schools where the moral sense has become so cultivated and trained that it would be perfectly safe to appeal to the consciences of pupils, without endangering their integrity; and there may be some pupils in all schools who would report correctly every fault and every failure of lesson, when required. But such schools are rare, and the teachers who can elevate all their pupils to such a standard of moral excellence, seldom found."

In relation to deportment, it seems to me a better method for the teacher to be the sole judge; to check any misdemeanor, when it occurs, and to consider pupils unexceptionable in conduct who are not marked with demerits during the day.

In respect to recitations, it is the common custom for teachers to credit each recitation as it occurs, making a summary at the end of the month. This plan involves a vast amount of book-keeping, and in large classes, where it is impossible to question each individual pupil, it is unsatisfactory. Besides, it ties the teacher down to the *hearing* of recitations and the asking of questions, leaving little time for actual teaching.

As a substitute for this method, at my suggestion, in the State Normal School no daily record of recitations is kept, but the class is required, on a part of each Friday, to pass a written review examination on at least two studies; thus during the month securing a written review in all the studies pursued. The percentage gained on all these examinations during the term constitutes the standing of each pupil at the end of the term. This system has worked admirably in the Normal School.

The pupils study to retain, instead of preparing simply to recite. The teacher is relieved of a vast amount of hourly book-keeping, and is at liberty to take time to impart instruction.

If any pupil neglects a recitation, it is shown in the next weekly examination. The total of the examination percentages is a fair index of the actual amount of work performed.

I commend this method to the teachers of all higher grade classes.

On the subject of checks and credits, Superintendent Philbrick, of Boston, makes the following remarks:

"In our high schools, and in most of the classes in our grammar schools, the rank of each pupil is kept by means of checks and credits, or marks for conduct and recitations; and in estimating rank it is usual to combine the marks for scholarship with the marks for deportment. There are several objections to the system as at present managed.

"1. To mark for each recitation is a great tax on the time and attention of the teacher, and diminishes to a considerable extent his direct

teaching power. So far as the teacher becomes a mere bearer of recitations, so far this objection ceases to hold good.

"2. The difficulty of discriminating with sufficient accuracy to do justice to the pupils.

"3. The tendency of the system to make scholars superficial, as the reward of rank is bestowed for passing the recitation and not for what is treasured up and retained.

"4. It is a perpetual temptation to practice deception, and it is probable that a very large proportion of pupils yield to the temptation sooner or later.

"5. Conduct and scholarship are things wholly unlike, and to add together the marks indicating these two distinct classes of merit to determine the sum total of the merit of a pupil is a proceeding as irrational as that of adding the numbers representing the weight and height of a pupil to ascertain the cubical measure of his corporeal figure.

"If marks for scholarship were kept distinct from marks of deportment, we should not have so many cases where pupils who have ranked very high in grammar schools make a very surprising descent when put to examination for the high schools. I have no serious objection to the ranking of pupils in a school according to their conduct alone, if their merits and demerits are estimated with justice; nor do I object to ranking classes according to their scholarship alone; but it seems to me impossible to combine these two totally dissimilar elements so as to do justice. In support of this position, I am able to cite no less an authority than that of the University of Cambridge, in England. In speaking of the discipline at that famous seat of learning, Mr. William Everett says, it is 'the grand principle that discipline has nothing to do with college rank.' In illustration of this principle he cites as a case where a young man was so notoriously irregular in his attendance at chapel that the whole body of his college were determined to send him away for a term; but as he was expected to take very high rank in an approaching examination they allowed him, in consideration of that, to remain till the examination was over, and then forced him to 'go down' at once.

"Some teachers, fully appreciating these evils of the marking system, have adopted a substitute which has many considerations to recommend it. This substitute consists in determining the rank of pupils by a series of examinations at regular and not very distant intervals. This plan may have its objectionable features, though none have occurred to me. But it seems so much better than the present incongruous system that I hope it may be fairly tried. If you examine a class thoroughly once a month, ranking the members according to the result, and then bestow the honors at the end of the year, according to the results of the final examination or according to the combined results of all the trials, it is evident that the medals would be more likely to go to the best scholars than they are on the present system.

"It has been said that we cannot abolish the Franklin medal, because we have no legal right to abandon the trust implied in the acceptance of Franklin's bequest for the purpose of instituting the medal. But we are every year violating both the letter and spirit of that trust by bestowing the medals for deportment as a means of discipline, taken in connection with merit in scholarship, when the terms of the bequest expressly provide that the medals shall be 'given as honorary rewards,' 'for the encouragement of *scholarship*,' and nothing else. It may be well to bestow honorary rewards for good conduct, but they ought to be kept distinct from those awarded for proficiency in learning."

RELIGIOUS EXERCISES IN SCHOOL.

The Constitution of California (Art. 1, Sec. 4,) provides that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State."

Section 60 of the Revised School Law, reads as follows :

"No books, tracts, papers, catechisms, or other publications of a sectarian or denominational character, shall be used or distributed in any school, or shall be made a part of any school library ; neither shall any sectarian or denominational doctrine be taught therein ; and any school district, town, or city, the officers of which shall knowingly allow any schools to be taught in violation of these provisions, shall forfeit all right to any State or county apportionment of school moneys ; and upon satisfactory evidence of such violation, the State Superintendent and County Superintendent shall withhold both State and county apportionment."

Section 70 reads as follows :

"It shall be the duty of teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, and patriotism ; to teach them to avoid idleness, profanity, and falsehood ; to instruct them in the principles of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship."

The Bible, being the foundation of the belief of all the religious denominations, Catholic, Protestant, and Jewish, cannot properly be classed in this country as a "sectarian" book.

The School Law, then, is silent as to whether or not a public school shall be opened by the reading of the Bible or by prayer. It does not exclude the Bible ; it does not make the use of it compulsory ; it does not forbid the teacher from opening school with prayer ; it does not compel him to do it. It leaves the whole question to be decided by Boards of Education, Trustees, teachers, and the people, as their judgment may dictate.

There are those that complain that the public schools are godless, and who demand a clause in the School Law making the use of the Bible in the public schools *authoritative*, without regard to the wishes or feelings of parents, Trustees, or teachers.

As the question during the past year has excited no little discussion, an examination into the laws of other States will not be out of place in this report.

Rhode Island, as might be expected from the pioneer State of religious tolerance, contains the following broad provision in her Constitution :

"We therefore declare, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatever, except in fulfilment of his own voluntary contract ; nor enforced, restrained, molested, or burdened in his body or goods ; nor disqualified from holding office ; nor otherwise suffer on account of his religious belief ; and that every man shall be free to worship God according to the dictates

of his own conscience, and to profess, and by argument to maintain, his opinion in matters of religion; and that the same shall *in nowise diminish, enlarge, or affect* his civil capacity."

The School Law (Sec. 6, chap. 69,) contains this simple provision: "Every teacher shall aim to implant and cultivate in the minds of all children committed to his care, the principles of morality and virtue."

The report of State Superintendent Allyn, 1857, p. 99, contains the following instructions:

"The Constitution and laws of the State give no power to a school committee, nor is there any authority in the State by which the reading of the Bible or praying in school, either at the opening or close, can be commanded and enforced. On the other hand, the spirit of the Constitution, and the neglect of the law to specify any penalty for so opening or closing a school, or to appoint any officer to take notice of such an act, do as clearly show that there can be no *compulsory* exclusion of such reading and praying from our public schools. The whole matter must be regulated by the consciences of the teachers and inhabitants of the districts, and by the general consent of the community.

"Statute law and school committees' regulations can enforce neither the use nor disuse of such devotional exercises. School committees may recommend, but they can go no further.

"It is believed to be the general sentiment of the people of Rhode Island, that this matter shall be left to the conscience of the teacher; and it is expected that if he read the Bible as an opening exercise, he shall read such parts as are not controverted or disputed, but such as are purely or chiefly devotional; and if he pray at the opening of his school, he shall be very brief, and conform as nearly to the model of the Lord's Prayer as the nature of the case will admit. And in all this he is bound to respect the conscientious scruples of the parents of the children before him, as he would have his own conscientious scruples respected in turn; always, of course, taking care that in the means he uses to show his respect for the consciences of others, he does not violate the law of his own conscience."

The Constitution and School Law of California being the same in substance on these points, these remarks apply with equal force to this State.

It is provided in Massachusetts, by an Act to secure the reading of the Bible in the Public Schools of the Commonwealth, as follows:

"SECTION 1. The school committee of each town and city in this commonwealth shall require the daily reading of some portion of the Bible in the common English version, and shall direct what other books shall be used in the public schools."

The following remarks in relation to the law in Massachusetts are taken from a work entitled "The Lawyer in the Schoolroom," by M. McN. Walsh, of New York:

"The Constitution of this State says: 'No subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping

God in the manner and seasons most agreeable to the dictates of his own conscience; or for his religious professions or sentiments; *provided*, he doth not disturb the public peace, or obstruct others in their religious worship.' But 'it is the duty of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the Universe.' 'The public worship of God, and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government.' It would seem, therefore, that the teachers of Massachusetts might constitutionally be required not only to worship God, as in Connecticut, but to do this 'publicly, and at stated seasons.' The school committees are prohibited by statute from directing any school books calculated to favor the tenets of any particular sect of Christians to be purchased or used in any of the town schools. It seems to be the settled policy of the State, however, to require the use of the Bible in the public schools; in fact, since the statute of 1855 'the daily reading of some portion of the Bible, in the common English version,' is made obligatory. As Connecticut claims the honor of having established the first free school on the continent, so Massachusetts claims that 'she, first of all, established a system of public instruction, and supported it by the essential and characteristics of a State—the right and duty of taxation.' Neither Massachusetts nor Connecticut, however, can dispute with Rhode Island the honor of having been the first 'to hold forth a lively experiment that a most flourishing civil state may stand, and best be maintained, with a full liberty in religious concerns.' Rhode Island's 'sure foundation of happiness to all America' has certainly been adopted to a considerable extent in Connecticut and Massachusetts; but the former gives religious liberty to those only who worship God, and the latter gives it only to those who worship God 'publicly, and at stated seasons.'"

The School Laws of the other New England States—Maine, New Hampshire, and Vermont—contain no provision relating to the use of the Bible in schools, but its use is sanctioned by common custom.

The School Law of New York is silent on this question, and the rulings of the State Superintendents have generally been in accordance with that of the Superintendent of Rhode Island, already given.

The Constitution of Pennsylvania provides that "No preference shall ever be given by law to any religious establishments, or modes of worship;" and further provides that "*No person who acknowledges the being of a God, and future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office, or place of trust, or profit, under the Commonwealth.*"

The Pennsylvania teachers might constitutionally be required to believe in "a future state, and punishments."

The School Law of Pennsylvania contains no provisions relating to the use of the Bible, but the general ruling of the State Superintendents has been that the School Directors, who are authorized to adopt text books for use in school, have the power to determine the question as the people may require. Superintendent Hickok, Pennsylvania School Report, 1857, thus refers to the subject:

"Our public schools throughout the State differ, and it is not unreasonable to expect will differ, in regard to the use they make of the Bible; each Board of Directors being wisely clothed by the School Law with exclusive authority over the subject, and determining the matter for

their respective school districts, according to their own views of official duty ; being only answerable for their course to their constituents at the ballot-box, or the local public opinion which they represent. It is understood to be in use, however, in the large majority of districts. But even if it were not, that is no reason why, in any of the schools receiving the public money, the moral training which is so indispensable to the welfare of the State, should be neglected. There is nothing in the laws of Pennsylvania, or in the varied character of her population, to hinder the competent and conscientious teacher from implanting broad and permanent elements of moral character in the mind and heart of every pupil intrusted to his charge, and that, too, within his own regular sphere of effort, and without danger of giving just offence to any. Cultivation of the intellect, to the exclusion of moral principle, but demonstrates and confirms the objection made by unlettered ignorance against all education, that it but makes men rogues and sharpers, and fits them to practice frauds and villainies upon an honest, unsuspecting public.

“ Religion has its primary elements, its universal truths, which no rational man can object to have inculcated in his children. It has its habits of thought, of feeling, of conscientious principle, which everybody admits ought to regulate the conduct of early life. No man worthy of the name, who sends his son to the public schools, can object to have his studies turned to such account as will instil a sense of the eternal presence and providence of God ; the supremacy of conscience ; the feeling of responsibility ; the odiousness of theft, of drunkenness, of lying, of meanness, tyranny, cruelty, malevolence ; the greatness and the loveliness of truth, generosity, kindness, reverence ; his duty to his parents, to his companions, to his fellow creatures generally ; his dependence for happiness, first upon God, and then on his own industry, intelligence, good character, resolution and fortitude. These are matters that are common to all creeds. They, in fact, rest in their very groundwork. Though they have little to do with the doctrinal parts of religion, they yet awaken the young mind to a sense of the duties and responsibilities springing from their relations in life, and develop an appreciation of the blessings which flow from the great truths of Christianity. They subject the religious affections to a quiet, yet durable training, and awaken a desire for more definite religious instruction to be supplied elsewhere, at the proper time, in its own appropriate way.”

The School Law of Indiana provides (Sec. 167) that “ the Bible shall not be excluded from the public schools of the State.”

This section, while it guarantees the *right* to use the Bible in the school, does not evidently make the use of it *compulsory* on either pupil or teacher. Concerning this section, State Superintendent Geo. W. Hoss makes the following remarks : “ Its use guaranteed, a most important question at once arises, namely, what shall be that use ? Various answers have been given to this question—some liberal, others illiberal, unworthy alike of their authors and of the subject to which they relate. Aware of the delicacy of this subject, I shall not trust myself beyond generalities. Hence I would say : 1. The Bible should be held as supreme authority in all questions of morals. 2. The teacher should, throughout the entire school course, give special attention to the moral culture and training of his pupils, faithfully inculcating a reverence for the Bible and fostering a spirit of cheerful obedience to its precepts. 3. It is recommended that there be daily readings from the Bible, either by the teacher or by the pupils, or by both. 4. Teachers should not descend to the inculcation of

sectarian tenets; but, on the other hand, should prudently inculcate and enforce the common doctrines of our common Christianity. 5. The teacher's work in this department should be characterized by prudence and honesty, and always illustrated and adorned by a daily life of purity, sincerity, and charity."

The Iowa School Law contains the following, (Sec. 1, Ch. 8): "The Bible shall not be excluded from any school or institution in the State under the control of the Board, nor shall any pupil be required to read it, contrary to the wishes of his parent or guardian."

The School Law of West Virginia, by positive enactment, requires the Bible to be read daily in the public schools. Sec. 29 reads as follows: "All teachers employed in the public schools of this State shall read, or cause to be read, at least one chapter from the Bible, in a language understood by the scholars, every day at the opening of the school, and inculcate the duties of piety, morality, and respect for the laws and government of this country."

The School Laws of the following States contain no sections relating to religious exercises or to the use of the Bible in the public schools: Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, Illinois, Michigan, Wisconsin, Minnesota, Kansas, Missouri, Kentucky, Nevada, California, Oregon.

The almost universal ruling of school officers in all these States is to the effect, that while it is desirable to have the Bible read in school by the teacher as a devotional exercise, it is contrary to the spirit of the constitutions and the laws to enforce such reading upon those pupils whose parents have conscientious religious convictions opposed to it.

In California the Bible is not used as a text book by the pupils in any of the public schools. But in a majority of schools the morning exercises are opened with the reading of a select passage of the Bible by the teacher, or, in primary schools, by the concert repetition of the Lord's Prayer or by singing a hymn or song.

The practical, common sense view of the whole subject generally taken by teachers, liberal clergymen, parents, and school officers, may be summed up as follows: That as the law neither authorizes nor forbids the reading of the Bible, it is for the teacher to determine as to the propriety of opening school with such an exercise; that in schools attended by children whose parents object to the reading of the Bible, it is advisable to omit the reading, rather than drive the children from the school; that unless the Bible is read willingly, conscientiously, and impressively, by the teacher, the reading will be of little value, and that if the teachers are not in the habit of praying, and feel a disinclination to open school with prayer, there is little reason in compelling them to do so.

There are few schools in the State, where, if a pious Christian teacher, desiring to open school with both reading and prayer, should consult parents in a Christian spirit, the privilege would be denied. Parents do not object to religious culture, they only fear that sectarianism may be substituted for religion.

My own views on this question were expressed in my last biennial report as follows:

Concerning the use of the Bible in public schools, there is a wide diversity of opinion. By some it is held that the Bible should be placed in the hands of children and used as a daily reading book; by some, that

it should be used by the teacher only, for reading short select passages ; and by others, that it should not be read at all.

Custom differs in different cities and States. The fact that no State school law in any State contains any statutory clause requiring the use of the Bible in school, would seem to indicate that legislators have had doubts as to the right of the State to compel its use without conflicting with the religious liberty of its citizens.

The Jew sends his children to the public school ; and he holds the reading of the New Testament, which, according to his religious convictions, is a fable, to be an interference with religious liberty. The Catholic objects to the old English translation of the Scriptures, and the Protestant to the Douay version. Therefore the decision of this question has wisely been left to local Boards and Trustees, who are supposed to represent the more immediate wishes of the people whose children attend school.

The school regulations of San Francisco *allow* the daily reading of the Bible by the teacher, without note or comment, as a devotional exercise, but do not compel it ; and in the schools of the State generally, teachers who desire to read select passages of the Scriptures in school, are not interfered with by either Trustees or parents. Both teachers and Trustees have had too much good sense to attempt to force the daily reading of the Bible, when it would offend the religious prejudices or convictions of any large class of parents whose children attend the public schools.

Every formal resolution to make the Bible a text book in the common school has been voted down in every State Institute and Convention ; yet many of the same teachers who so voted, were accustomed to read the Bible in school every day. The result is, that the Bible is read in many schools without exciting any objections ; when, if the abstract question had been agitated, endless discussions would have been excited. The history of the world proves the folly of legislating on religious convictions and opinions. If a teacher be not prompted by his own sense of duty, and his own practical piety to read the Bible, or open his school with prayer, is it reasonable to suppose that any compulsory devotional exercise would be anything more than a form ? And if the parents of any large number of pupils in school object to the daily reading of the Bible, cannot a pious teacher dispense with the form, and yet teach with the spirit ? The readers are full of Bible stories, to which none can object ; the text books contain the great foundation principles of Christian morality drawn from the Bible ; and if the teacher be a man whose daily life is an exemplification of all Christian virtues, his example will be stronger than formal precepts in training children to reverence God, to do right, and to practice the virtues of industry, sobriety, truth, chastity, and purity. It is the *manner* of reading the Bible in school, and not the fact of its being read, which is the measure of its influence. I remember with regret the careless levity with which the scholars of the little school I attended when a boy, " read round " in the Bible every morning, and it was fortunate for me that the irreverent spirit of the school devotions was counteracted by family worship at home. Better a thousand times no reading than that accompanied by irreverence and inattention.

The present is an age of the largest and broadest personal liberty of religious opinion ; the children of all classes are found in the common schools ; and school officers and teachers should manifest a tender regard for the religious scruples of both Jew and Gentile, Protestant and Catholic, and hold the schools free from any violation of the great prin-

ciples guaranteed by the National and State Constitutions, that every man be left free to worship God as he pleases, and to teach his children his own religious faith.

The great purpose of the common school is intellectual culture, as a foundation of moral and religious education; for without intelligence, religion degenerates into bigotry. It is left for the home, the Sunday school, and the church, to teach forms of religious faith and worship. If each does its work without interference with the other, the result will be harmonious. If the church attempts to make the public school both a church school and a Sunday school, the result will be disastrous.

On this subject, Hon. John P. Brooks, State Superintendent of Illinois, 1864, gave the following ruling :

“As means of moral culture, should the Bible be read and daily prayer be offered in the public schools? The question is an extremely important one, and as extremely delicate. It seems necessary, however, that the subject to which the question relates should receive some official recognition, and should be replied to. It cannot be disposed of by a categorical answer. The subject is an involved one, and requires words for its elucidation and settlement.

“In the great majority of our communities where the custom is observed, the reading of an appropriate scripture lesson, or the offering of prayer by the teacher, as introductory to the daily exercises of the schoolroom, or at the close of school each day, is unanimously approved. In some communities, however, the custom mentioned is *not* unanimously approved, but seriously and strenuously objected to by those who profess to entertain *sincere* and *conscientious* scruples upon the subject. In communities where the custom enjoys the sanction of universal public opinion, *its observance should by all means be attended to, and the children of the school duly exercised in habits of prayer and attention to the word of God.* But in communities where a combined opposition is made to the use of the Bible in the daily exercises of the school, and to prayer by the teacher, and where such opposition proceeds from conscientious scruples so strong and unyielding as to occasion either a serious disturbance in the school during the exercises of devotion, or a withdrawal from the school of a large portion of the pupils, the case assumes a more serious aspect, and requires deliberation.

“Our government is one of religious toleration, and guarantees to every citizen the enjoyment of the rights of conscience. The public school is an institution founded by the State, and its privileges and benefits are secured by law to all classes of citizens alike, irrespective of political or religious differences of opinion. Could the State provide for the *religious education* of the young in the common school as fairly and impartially as it provides for their *intellectual culture*, policy would dictate the enactment of laws for that purpose, and provisions would now exist in the law for the spiritual teaching of its whole minor population. But any legislation on the subject of *religious education in the common school* must encroach upon the most sacred rights of the citizen, and any laws enacted for that purpose would be repugnant to the spirit of republicanism, and violative of the great principle of religious toleration which underlies our system of government. Besides, such legislation would be impracticable. To appoint a course of religious instruction conforming to the tenets of any particular denomination or sect would be equivalent to the establishment of a State religion—an act equally in violation

of the Constitution and at variance with the wishes and interests of the people. To enjoin a system of public religious instruction which would accommodate the opinions and feelings of all, would be impossible. To partition the public funds by pro rata distribution among the different sects, to enable each to support its own school and teach its own system of faith, would lead to such an absurd attenuation of the fund that it would prove practically non-efficient for any purpose whatever. Hence, and for other reasons, the law proposes no plan of religious education in the common schools.

"In other States, whose laws regulating common schools are similar to our own State law in respect to the matter under consideration, the question of religious education in the schools has been determined upon grounds of expediency, in a manner which I will immediately show, by quotations from authoritative sources.

"In the State of New York, the Supreme Court has decided that 'teachers may open and close their schools with prayer and the reading of the scriptures, provided they take care to avoid all controverted points and sectarian dogmas.'

"Hon. John C. Spencer, of New York, while acting as Superintendent of Common Schools of that State, said: 'Prayers cannot form any part of the school exercises, or be regulated by school discipline. If had at all, they should be had before the usual hour of commencing school in the morning, and after the hour of closing school in the afternoon. If any parents are desirous of habituating their children to thank their Creator for protection by night, and invoke His blessing on the labors of the day, they have a right to place them under the charge of the teacher for that purpose. But neither they nor the teacher have any authority to compel the children of other parents, who object to the practice from dislike to the individual or his creed, or from any other cause, to unite in such prayers.'

"Hon. John A. Dix, a distinguished jurist of the same State, has expressed the following opinion: 'The teacher of a school may open it with prayer, provided he does not encroach upon the hours allotted for instruction, and provided the attendance of the scholars is not exacted as a matter of school discipline.'

"Hon. Henry S. Randall, as Superintendent of Common Schools of New York, wrote as follows: 'The position was early, distinctly, and almost universally taken by our statesmen, legislators, and prominent friends of education—men of the warmest religious zeal, and belonging to every sect—that the instruction in our public schools should be limited to that ordinarily included under the head of intellectual culture, and to the inculcation of those general principles of morality in which all sects, and good men belonging to no sect, can unite. * * * This decision* has been acquiesced in without a murmur by the whole religious public. The intelligent religious public have felt that there was no middle ground between religious instruction—*strictly so called*—in our common schools and the broadest toleration.'

"Hon. Anson Smyth, while State Commissioner of Common Schools of Ohio, said: 'I do not see why the teacher may not be permitted to pray in his school, if he avoids all sectarian dogmas, and does not improperly consume time. * * * But the teacher should not insist

*The decision referred to by Mr. Randall is that of two "eminent jurists," in which it is held that "prayer is inadmissible as a school exercise in school hours when seriously and conscientiously objected to by any portion of the inhabitants of a school district."

on this privilege, nor should the local Directors grant it, in cases where it would create dissatisfaction in the district, or induce a portion of the inhabitants to withdraw their children from the school, on account of *sincere* conscientious scruples upon the subject.'

"These opinions and decisions are predicated upon the fundamental idea, which is recognized in them all, of the sacred and inviolable rights of conscience. If this principle, which is theoretically inwrought into the National and State Constitutions of our country, is to be practically respected and deferred to; if constitutional obligations have not utterly lost, in these times of relaxed obedience to law, all their sacredness and binding force; then must the doctrine be abided by that the conscience of the citizen is sacred, and cannot be offended by any policy of state or edict of office, with the sanction of the law and the Constitution. If the principle be ever admitted (in our forgetfulness of constitutional guaranties to the citizen) that the rights of conscience must give way before the will of the majority, and a corresponding practice attain, then will the breach be opened through which the bitter waters of sectarian fanaticism will force their way, and the last vestige of religious toleration and the rights of conscience will soon be swept away before the angry and desolating flood.

"Intolerance of opinion is the great public besetting sin of the age. Publicly encouraged, and indulged and fostered in narrower circles, it tyrannizes over free mind without scruple or hindrance. Opinions no more go forth with high, elastic tread, free and unbound, as in the better days, but tramp slowly along, weighed down with the fetters of inquisitorial power, or pine in dungeons, as in the days of the martyrs. The present is not a time to lend influence to the encroachments of overgrowing and overgrown proscription; to strengthen the hands of those who would oppress because weakness can make no successful resistance. Rather is it a time when the voice of defence should be lifted up for the great principle of toleration in State and church—protection to the citizen in the enjoyment of every civil and political right, and freedom to worship God, without let or hindrance, according to the dictates of conscience.

"To sum up my opinion, I say, upon the right and expediency of introducing religious exercises into the common school, that—

"When the exercise is not objected to by persons having religious scruples upon the subject, and when conducted upon catholic principles, the Bible should be read in our common schools, and daily prayer be offered, either by the teacher or by the reading in concert of the Lord's Prayer by the whole school.

"When sincere and conscientious scruples are entertained against such devotions by persons whose children attend the school, such religious exercises should not be held *during school hours.*"

On the importance of true religious influences, and religious and moral culture in school, I cannot better express my own views than by quoting the eloquent and impressive remarks of Hon. Newton Bateman, of Illinois, in his last biennial report, 1866:

"But alarm is often taken at the slightest intimation of an effort to recognize Almighty God, or His Sacred Word, in the public schools. Why is this so? Of what are men afraid? Sectarianism? Is not the moral platform of Jehovah broad and grand enough for all the teachers and pupils in the land, without obscuring the divine light or belittling

the majestic summaries of heavenly truth by the wretched nothings of the sects? I grant that to sweep the miserable dogmas and polemics of sectaries from the precincts of the public schools, 'rhetoric may well become a whirlwind, and logic fire;' and that the teacher who abuses his position to teach such things, is as ignorant of propriety as he is of the true spirit of Christianity. If the discretion and common sense of teachers are not to be trusted in the matter, let a digest of Christian truth be prepared for use in the schools, to which, so far as scripture is concerned, the teacher shall be restricted. It would be far easier to collate all that would be necessary, than to prepare a text book upon the simplest subject; and to present a compend of divine truth as free from the gloss and tinge of sectarianism as the clear light of the sun. Is there any sectarianism in that grand, divine, all-comprehending code of ethics contained in the Decalogue; or in the preceptive teachings of Christ as epitomized in the discourse on the mount? The great lessons of truth and duty embodied in those sublime compendiums must be inculcated. He who objects to ought therein contained is not a safe counsellor for the young, and his opinions should not be regarded by a Christian people. If we are a Christian nation (and we are,) let us not belie the name by the exclusion of moral culture, and even the public recognition of God himself, from our systems of public education. No system of ethics can be advised which does not recognize the existence of a Supreme Being, of infinite wisdom and goodness; and the foundation of Christian ethics is the Christian's God, and His inspired Word. The idea, therefore, of trying to inculcate moral obligations and duties without a distinct and constant reference to Deity, as the source of all truth and right, is a solecism in moral philosophy, and an absurdity in practice.

"Now, if the whole superstructure of free public education by State authority has any solid foundation at all, it is to be found in those relations of the individual to the State, which confer upon the latter the right to demand of the former such a preparation for the duties of civil life as are essential to the safety of the body politic, and the duty to enforce the demand in all proper ways. It is in virtue of these high and unchallenged prerogatives that States ordain systems of free schools, and send their tax gatherers to every farm and workshop; collecting revenues from the willing and unwilling, the consenting and dissenting, alike. The public good, the safety of the commonwealth, the welfare of the State, as the supreme community, is the great warrant for doing this; and the claim has been allowed as unanswerable for a hundred years.

"And States prescribe, too, what studies shall be pursued in order to secure the desired end, and all acquiesce in the necessity. Now, has not a State as much right, is it not as plain a duty, to declare that efforts shall be made to make the embryo citizen *honest, pure, truthful, and truth-loving*, as to prescribe that he shall be taught the elements of language and calculation? Is it not as essential to the welfare of the body politic that a child should *not* be a thief, a liar, or a scoundrel, as that he *should* be an adept in penmanship, reading, and arithmetic? Is it legitimate to demand the latter, but usurpation to seek to prevent the former? Will the five to eight branches prescribed by law make children gentle, conscientious, kind, and trustworthy, by logical necessity? I am persuaded that, abstractly and logically considered, the right of a State to provide for the moral education of its public school children, in all proper and

practicable ways, rests upon the same basis as its right to provide for their instruction in the elements of science; and that the right and duty to do both is clear and unquestionable; they stand or fall together. Nor should the recognition of God in the schools of the State be a timid, half-hearted, indefinite thing; as if it were an act of doubtful propriety, and to be performed in a shamefaced, apologetic sort of way; but as clear and bold, as direct, emphatic, and joyous, as that of the doctrine of the equal rights of man, or the indestructible integrity of the National Union. If we inscribe these latter doctrines upon the banners of the republic, in letters so large that the world may read, shall we blush to inscribe upon our educational policy the GREAT NAME to whom and to whose inspired Word we owe our political system itself, and all that is most precious and enduring in our civilization? That we are indebted to Christianity for the grandest ideas of our political theory, and the dearest things of our social order, is a proposition as susceptible of demonstration as any historical fact connected with the origin and growth of our people.

"The very earth we inhabit; this outspread continent, so peerlessly magnificent in scenery; these boundless expanses of fertile soils; these mountains that glitter with silver, and gold, and gems, and these exhaustless treasures of coal, and iron, and lead; these matchless lakes and rivers; all this goodly land, all these forms of material wealth, and beauty, and glory, to the development of which we are bending energies the most titanic that the world ever saw—all is the gift of God. He gave the earth to man to keep and subdue. He gave this continent to our fathers, and through them to us and our children. We hold it, and all that it contains, in virtue of that divine charter. While, therefore, we press into our service every element of force and skill that we can command; while we push our industrial, scientific, and commercial enterprises in every direction, east, west, north, and south; while we utilize every available agent to push to speediest and completest conquest the stupendous material problems which engage the national attention; (and it is all right, I would not lay a straw in the path of all these mustering and impetuous forces, but say to every engineer along the whole line, 'off brakes and drive on;') yet, over all, and beneath all, and through all these mighty forces and clanging activities, let there breathe the sweet spirit of truth and love, and let the name of God, the giver of all, be acknowledged. It will detract not an atom from our wealth and power; it will check not the whirl of a single wheel of our myraid industries; it will stay not for a moment the onward sweep of our material destiny; but oh, it will crown the whole with an exceeding and a perennial glory, and insure the favor of heaven. Bidding defiance to the fleets and armies of the world, but not to the 'thick bosses of Jehovah's buckler;' independent of all other nations, but not of the favor of Providence; despising the pretensions of thrones and monarchs, yet loyal to the 'King of kings;' daring to do everything, but *wrong*. How sublime the spectacle of such a people!"

On the subject of moral and religious instruction in school, Hon. S. S. Randall, Superintendent of the New York City schools, makes the following remarks in his annual report for 1867:

"Objections have, in some quarters, been taken to our system of public instruction, based upon the allegation that moral and religious instruction is not specifically given. If these charges were well founded, these

objections would, it is conceded, be valid. Mere intellectual instruction is of little value, and quite as likely to prove pernicious as beneficial, unaccompanied by moral and religious culture, by the formation of good habits, and the systematic evolution of good character, upright principles, and a high toned conscientiousness. It is, however, far from being true that moral and religious culture does not form a part of the instruction communicated to the pupils of our public schools. On the contrary, it enters as a distinctive element of the course, and pervades and gives vitality to the whole system. Not an exercise is given, not a study pursued, not a measure of discipline resorted to, in which reference is not distinctly had to the fundamental principles of morality, and the higher sanctions of the Christian religion. There is not a pupil in any of our schools who is not every day reminded expressly in some of the exercises, or impliedly, but not less clearly and distinctly in all, of the existence and attributes of the Creator, of the great cardinal rules and principles of Christianity, and of his responsibilities and duties as an immortal being. Sectarian teaching, it is true, is not permitted, nor ought it to be. The parent who desires that the religious instruction of his child should be based upon Catholicism, or upon any of the various subdivisions of Protestantism, or in accordance with the Hebrew faith, will readily perceive the impracticability of carrying out these distinctive views in schools where are necessarily congregated the representatives of every religious faith. But he need entertain no apprehension that any endeavor will be made to undermine, or in any way to interfere with his particular faith; while those great and fundamental truths common to all, and recognized and acknowledged by all, will be uniformly inculcated. The strong foundations upon which the superstructure of a sound morality, and an authoritative and fixed religious faith may be erected, are firmly and durably laid. Beyond this no secular system of instruction can reasonably be expected, or permitted to go."

MORAL TRAINING.

This topic was fully discussed in my last biennial report, but I cannot forbear quoting the truthful and valuable suggestions on the same subject, made by Hon. J. M. Gregory, in one of the Michigan School Reports:

"1st. Let the schoolhouses be made clean. Wipe out from desks and walls, from door-posts and lintels, from clapboards and fences, those foul scriptures of vice and pollution which deform so many school buildings, and help to corrupt successive generations of children. Go further, and make such an air of neatness and beauty reign everywhere, that the childish spirit of destructiveness shall be repressed, and the pupils shall be won insensibly to carefulness and order.

"2d Let the schoolyards be separated by a high and close board fence, in the rear of the building, so that each sex may have its own grounds, free from all intrusion of the other.

"3d. Let the playgrounds never be left without the supervision of a teacher when the pupils are there. To accomplish this, they should not be opened to pupils till a fixed hour, when the teacher should be

present. If the recesses, also, be given to both sexes at once, the teacher may go with his pupils on to the playground, and while he encourages the cheerful hilarity of the games, his presence will hold in awe the quarrelsome spirits of profane lips, which will otherwise work so much evil. It is the unrestrained and unwatched association of the pupils, good and bad, upon the playground, that forms one of the most fruitful sources of moral corruption. Remove this, and we have abated at one blow more than one half of the dangers that attend our schools.

"4th. Secure teachers of sound moral character. The teacher is the living presence whose example and influence fill the moral atmosphere of the schoolroom with a wholesome fragrance, or taint it with poisonous vice. No qualification of the teacher is so important as those moral attributes which win children by their kindness, and inspire them by their purity. There are teachers whose goodness is so evident that vice feels abashed in their presence, and whose genuine kindness of heart is so genial that every noble sentiment and every right affection flourish spontaneously under their eye. 'It is mean to lie to Dr. Arnold,' said the boys of Rugby School. The open-hearted candor and the generous trustfulness of their great teacher shamed them from their habits of falsehood.

"With a weak and selfish, or a passionate and fretful teacher, the very air of the schoolroom will be haunted with a spirit of evil and misrule, and no amount of Bible reading and public prayers can make the moral influences good. The teacher who would successfully teach morals, must keep in active exercise the kindest feelings of his heart. Let him aim steadily and honestly to be what he would have his pupils become, and ask no more of goodness in them than he exhibits in himself.

"5th. Good government in schools is one of the most potential of all moral influences. And by government, I mean, not merely the administration of justice or the repression of noise, but the maintenance of good order and regular system throughout all the exercises of the school. Neatness, order, and quiet; those are the indices of good government, and these are all friends of virtue. The child that has been taught the great lesson of cheerful obedience to rightful authority, and has been trained to the wholesome habits of regular industry and good order, will easily be led to virtuous principles and an upright life.

"6th. But besides all these unconscious teachings, there are direct and conscious instructions in morals which ought to find a place among the daily exercises of the schools. Not, however, in the form of homilies on the several virtues, or set lectures against vice; but rather illustrative stories from history or experience, in which virtue and goodness shall shine out in human action, and vice may show its deformity in the wicked deeds of its votaries. The story of Washington's truthfulness as a boy and patriotism as a man, of Joseph's forgiveness of his brothers, of Solomon's choice of wisdom rather than riches, of Grace Darling's heroism, of Lyon's bravery, and Ellsworth's piety, will at once enlighten the judgment and inspire the heart. And let the pupil's conscience be trained to correct knowledge of right and wrong by a skilful questioning upon the reasonableness and rectitude of the different examples given, or upon any of the common actions of life. The great moral sentiments of love and truth, love of industry, love of country, love of mankind, and love of God, should be as often as possible awakened in the heart, and opportunities be frequently contrived for the exercise of the virtues of benevolence, temperance, self-control, patience, charity, justice, forbearance, forgiveness, kindness, fortitude, etc. In their exercise the pupil

would learn their value and strengthen their power over him. By means such as these daily pursued, the moral nature of the child will gradually unfold itself into settled principles of goodness, and be established in permanent habits of virtue.

"Our schools, adding this high moral culture to the intellectual training which they are beginning to conduct with so much skill, will crown their pupils with a better than a laurel wreath, and will give to society and the State citizens whose virtues and intelligence will carry the great Republic along its pathway of empire and wealth, and work out even grander proofs of the ability of mankind to govern themselves."

CO-EDUCATION OF THE SEXES.

I believe that the presence of boys and girls in the same school, far from being injurious to either sex, exerts a mutually beneficial influence. My belief is based on many years' experience in public school teaching, on an extended observation of schools, and on the opinion of the most enlightened and progressive educators.

The schoolhouses in all the cities and larger towns have separate yards and playgrounds, on opposite sides of the building. The boys and girls enter the schoolroom by separate doors. In the schoolroom they meet at hours of intermission as well as of study only under the eye of the teacher. The only opportunity of meeting when not under the observation of the teacher, is on the way to and from school. If the mere sight of a boy is dangerous to innocence, then our girls should be sent off to convents, where they may grow up in blissful ignorance of the existence of boys. If a pretty face and an occasional salutation of "good morning" be sufficient to turn the heads of our boys, then protect them by all means from such witchery.

The charge of positive immorality, both in thought and act, is frequently brought against the public schools by their open enemies, and not unfrequently by moral reformers who profess to be friendly. There are some who have no faith in the purity of youth in either sex; they believe in total depravity to the letter; they look upon all associations of boys and girls, or men and women, as merely animal instinct of the baser kind. I do not propose to argue with these Pecksniffian morality men who turn up their eyes in holy horror at the awful depravity of human nature in general, and of public schools in particular. Impure-minded boys and girls are to be found in schools as well as impure-minded men and women in society; but they are exceptions to the general rule.

That the tendency of educating boys and girls together is to excite improper and impure thoughts, I deny. That the standard of morality and propriety is lower than in schools where the sexes are separated, I also deny. But there are others who desire a separation of the sexes not on the ground of the temptations to immoral acts and practices, but on the plea of the "proprieties." They think it may be all well enough for the boys, but then the association tends to blunt the delicate sensibilities of the girls, and to make them rude and masculine. In answer to this objection, let us consider some of the mutual benefits resulting from educating boys and girls together.

The presence of girls in a schoolroom throws a strong restraining and refining influence over boys. They are more attentive to personal appearance and neatness of dress; they are more refined in manner and careful in speech; they have higher feelings of honor and manliness; they stand in wholesome dread of the public opinion of the girls which frowns down meanness and profanity and vulgarity. Boys have quite as high feelings of honor as men. The restraining influence of girls over boys is the same as that of woman over man.

Remove any community of men from the society of women, and what is the result? Does it make them more refined in manner, or purer in thought? In the early days of California, throughout the mines, there were no women: what was the social condition of the thousands of rough men let loose from the restraints of society? I leave it for those who have lived in such one-sided society to answer.

The presence of an innocent girl is the angel which drives from the mind of the boy any impure thought, which seals his lips against any coarse word. The most debased boy dare not be guilty of an indecent action or a vulgar word in the presence of high minded girls, just as the basest man shrinks abashed from the presence of a virtuous woman, or hides his depravity under the mask of honor and politeness.

I believe that girls educated with boys will grow up into womanhood with stronger, purer, nobler, better developed characters, than if trained in seclusion. They will be better capable of acting and thinking for themselves. Nowhere can they form better ideas of true manhood than in the public schools—where ambitious and manly boys are their associates, where mind is made the standard of position; and where true merit commands respect and admiration.

Girls are stimulated to greater mental efforts by the presence of able and ambitious boys. The surest way to produce romantically diseased imaginations, and to sully the purity of the female character, is to shut out girls from the society of boys, and to exclude young ladies from the society of young men. It is a fact, which young ladies themselves admit, that in schools for young ladies exclusively, there is more talk about the other sex than in institutions where both sexes are educated together. Education consists in the development of character more than in the study of text books. I believe in throwing around boys every refining, restraining and humanizing influence; in educating them to regard the female character as something pure and holy; in training them to reverence womanhood. I believe in teaching girls to respect manliness and manhood. How can this be done better than in a well regulated school, where the boys and girls mutually educate each other?

The co-education of the sexes is a characteristic feature of our American common school system, in contradistinction to the European system of national schools. Everywhere in the United States, except in a few of the largest cities, the boys and girls are educated together in the public schools. What is the result? Are we ready to admit that in France, where the boys and girls are carefully educated apart, the standard of morality is higher than with us? Are wives and daughters purer and truer? Is woman more respected there than with us?

I was born and bred in that bleak little corner of the Union where common schools were first established, where they have since been nurtured and sustained, and where men and women are taught to think for themselves. My pleasantest memories of school days are associated with the bright-eyed little girls who came to school in summer mornings, bringing May flowers, and lilacs, and peonies, and pinks in their hands.

I loved some of those pretty girls with all the fullness of boyish feeling. I have never forgotten them, and never expect to forget them. God made them beautiful, like spring violets, and gave me a heart to love them. Nobody ever told any of the boys of our school it was a sin to love them; nobody ever informed us it was wrong to play with them, to ramble with them round the pastures after flowers and strawberries. No impure thought ever sullied our affection for them, for nobody had ever poisoned our minds with the notion that boys and girls are innately vicious. Barefoot farmer boys were we, all of us, with tanned faces and hands used to toil; and farmers' girls, red-cheeked, barefoot too, and dressed in homespun, taught us our first lessons of faith in the purity and nobleness of womanhood. They were our best teachers. They made the old schoolhouse pleasant with the sunlight of their faces, and merry with their ringing laughter. They softened our rough natures. We chose the girls we liked best at spelling matches, and never were the worse for it. We hauled the girls on sleds in the winter time, and slid on the ice together, and none of us ever thought of evil. Some of us boys even fell in love, and had dim notions in sentimental moments that away in the future we should marry some of those favorite girls; but the fancies never were realized, and they never did us any harm.

Schoolmaster and schoolmistress are forgotten—the schoolhouse is in ruins. Two of the boys who sat with us in school, after life's fitful fever rest in peace in this land, where they found graves instead of gold. We turn with vain longings to the home scenes which we never expect to revisit. The girls are all married; our hair is turning gray; our own little children are playing around our firesides; but we look back upon the past, and feel devoutly thankful that our fathers, and mothers, and teachers, had common sense enough to believe in letting boys and girls go to school together.

In this State, out of the 40,000 children who attend public schools, only about 3,000 are educated in separate schools for boys and girls. In San Francisco, there are two high schools for boys, and one for girls. There are two grammar schools for girls exclusively, and one for boys. All the other schools are attended by both sexes. In Marysville and Los Angeles, the boys and girls are separated only in the grammar departments. In all the other schools in the State the sexes are educated together.

It may be advisable in large cities to have some schools in which the sexes are separated, to accommodate the children of parents whose prejudices are against sending their girls to school with boys, but I trust the day is far distant when the American common schools of our State will imitate the European system, and educate boys and girls separately.

On this point, Mr. Stowe, a celebrated Glasgow teacher, uses the following language:

“The youth of both sexes of our Scottish peasantry have been educated together; and as a whole, the Scotch are the most moral people on the earth. Education in England is given separately, and we have never heard from practical men that any benefit has arisen from the arrangement. Some influential individuals mourn over the prejudice on this point. In such, a larger number of girls turned out badly who had been educated in one until they attained the age of majority, than those who were otherwise brought up. The separation of the sexes has been found to be injurious. It is stated on the best authority, that of those girls educated in schools of convents, apart from boys, the greater majority

go wrong within a month after being let loose in society and meeting the other sex. They cannot, it is said, resist the slightest compliment or flattery. The separation is intended to keep them strictly moral; but this unnatural seclusion actually generates the very principle desired to be avoided. We may repeat, that it is impossible to raise the girls as high, intellectually, without boys as with them—and it is impossible to raise boys, morally, as high without girls. The girls morally elevate the boys, and the boys intellectually elevate the girls. But more than this—girls are morally elevated by the presence of boys, and boys are also intellectually elevated by the presence of the girls. Girls brought up with boys are more positively moral, and boys brought up in school with the girls are more positively intellectual, by the softening influence of the female character. In the Normal Seminary, at Glasgow, the most beneficial effects have resulted from the more natural course. Boys and girls, from the age of two or three years to that of fourteen or fifteen, have been confined in the same classroom, galleries, and playgrounds, without impropriety, and they are never separated except at needle-work."

STATE BOARD OF EDUCATION.

At the call of the Superintendent of Public Instruction, and in accordance with the provisions of the Revised School Law, the school officers who were made ex officio members of the State Board of Education met at the office of the State Superintendent for the purpose of primary organization.

The following members were present:

Mr. Swett, State Superintendent; Mr. Pelton, City Superintendent of San Francisco; Mr. Hatch, Superintendent of Sacramento County; Mr. Cottle, Superintendent of San Joaquin County; Mr. Minns, Principal of the State Normal School; absent—Governor Low, and Mr. Turner, Superintendent of Santa Clara County.

Mr. Swett presented the following communication:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC INSTRUCTION, }
San Francisco, April 13th, 1866. }

State Board of Education:

GENTLEMEN:—In accordance with the provisions of Section 1 of the Revised School Law, I hereby present for your confirmation, as elected members of the State Board of Education, the names of J. M. Sibley, of the Town of Sonoma, County of Sonoma, and Samuel I. C. Swezey, of the City and County of San Francisco, both holders of State educational diplomas. Mr. Sibley is a graduate of Yale College; he has been for many years successfully engaged in teaching in the public schools of this State, and now represents a county having the largest number of school children in the State, next to San Francisco.

Mr. Swezey is a graduate of the New York State Normal School; was engaged as a teacher many years prior to coming to this State, and since his arrival here has been constantly engaged in educational labors as one of the editors of the *California Teacher*, without any compensation whatever.

In consideration of his valuable services in this most important field, and also for his eminent fitness to act as a Trustee of the State Normal School, I feel that I cannot present a more fitting candidate nor one more deserving of the honor.

Very respectfully,

JOHN SWETT,
Superintendent of Public Instruction.

Mr. Swezey and Mr. Sibley were unanimously elected, took the oath of office, and were invited to seats in the Board.

The State course of study recommended by the State Superintendent in his biennial report, was referred to a special committee, consisting of Minns, Pelton, and Swezey, with instructions to report at the next meeting of the Board.

The *California Teacher* was made the official organ of education in this State, in accordance with Section 84 of the Revised School Law.

Board adjourned to meet at the State Superintendent's office, June 6th, 1866.

SECOND MEETING.

At this meeting the Committee on Course of Study reported in favor of adopting the course of study recommended by the State Superintendent, and the report was unanimously adopted.

The course of study, as adopted, will be found in the Appendix of this report.

Mr. Swett, Chairman of the Committee on Rules and Regulations, reported a full set, which was considered in Committee of the Whole, and adopted without material amendment. These rules and regulations will be found in an Appendix to this report, in connection with the State course of study. Rules and regulations for district school libraries were adopted, which will also be found in the Appendix.

A State series of text books was adopted, by re-adopting the series which had been in use for the three years previous, with the addition of "Clarke's New Geography," which was added on account of its valuable geographical information relating to the Pacific coast.

A full list of the State series of text books will be found in the Appendix to this report.

A Standing Committee on School Library Books, consisting of Messrs. Swett, Sibley, and Cottle, was appointed, to report at the next meeting.

On the recommendation of the State Board of Examination, State life diplomas were awarded to George W. Minns, Bernhard Marks, and H. P. Carlton.

THIRD MEETING.

The State Board of Education met at the office of the Superintendent of Public Instruction, December 27th, 1866. Present—Dr. Hatch, Mr. Pelton, Mr. Swezey, Mr. Carlton, and Mr. Swett. Absent—Governor Low, Mr. Tonner, and Mr. Cottle.

The report of the Committee on School Libraries—Messrs. Swett, Sibley, and Cottle, was received, amended, and unanimously adopted.

The following communication was received from the State Board of Examination :

SAN FRANCISCO, November 24th, 1866.

To the State Board of Education :

GENTLEMEN :—Under the provisions of the Revised School Law we recommend the following teachers as eligible to receive life diplomas.

The State Board of Examination has determined as a standard of recommendation that the applicants shall have had ten years' experience in teaching ; that they shall present good evidence of success in teaching, and of good character, and that they shall have taught school or held the office of State, City, or County Superintendent one year after having received a State educational diploma. D. C. Stone, Marysville ; J. M. Sibley, Oakland ; George Tait, Oakland ; C. C. Cummings, Ukiah City ; Robert Taylor, Alviso ; George W. Simonton, Vallejo ; George C. Mack, Solano County ; R. K. Marriner, San Francisco ; James Denman, San Francisco ; Thomas S. Myrick, San Francisco ; James Stratton, San Francisco ; Thomas C. Leonard, San Francisco ; Theodore Bradley, San Francisco ; George W. Bunnell, San Francisco ; Ellis H. Holmes, San Francisco ; John C. Pelton, San Francisco ; Ebenezer Knowlton, San Francisco ; Alvira Holmes, San Francisco ; W. R. Rowell, San Francisco ; T. W. J. Holbrook, San Francisco ; Joseph Dana Littlefield, San Francisco ; Ira G. Hoitt, San Francisco ; H. N. Nutting, Redwood City ; George Brown, Mariposa ; Miss E. W. Houghton, San Francisco ; Miss Minnie F. Austin, San Francisco ; Miss Mary L. Bodwell, San Francisco ; Miss H. M. Clark, San Francisco ; Miss Frances Lynch, San Francisco ; Mrs. Mary L. Swett, San Francisco.

Signed :

JOHN SWETT,
THEODORE BRADLEY,
BERNHARD MARKS,
JAMES STRATTON.

The report was received, discussed, and unanimously adopted.
Board adjourned to meet at call of the Secretary.

FOURTH MEETING.

At this meeting, July 5th, 1867, Cutter's Larger Physiology was unanimously adopted, in place of Hooker's, in accordance with the wishes of the teachers of the State expressed in State and County Institutes.

The use of Layres' "Elements of Composition" was authorized in such schools as might desire it.

The State Board of Examination was authorized to adopt a discretionary standard of percentages for county examinations on State papers, in accordance with the known strictness with which examinations were conducted.

Life diplomas were accorded to J. B. McChesney, of Nevada, and F. R. Brown, of Sutter Creek.

STATE BOARD OF EXAMINATION.

The Revised School Law requires that this Board shall consist of four professional teachers, holders of State diplomas, appointed by the Superintendent of Public Instruction, who is ex officio Chairman of the Board.

At the beginning of the school year, 1866, the State Superintendent appointed as members of the Board, the following teachers: Bernhard Marks, Principal of the Spring Valley Grammar School; Theodore Bradley, Principal of the Boy's High School; George W. Bunnell, Principal of the Latin High School; James Stratton, Principal of the Washington Grammar School. Messrs. Marks, Bradley, and Stratton, were members of the San Francisco Board of Examination, elected by the City Board of Education, and they were appointed to the State Board, both on account of fitness for the position, and for the purpose of holding joint city and State examinations.

It was necessary to have a State Board composed of members residing in San Francisco, as the frequent communications from County Boards called for semi-monthly, and sometimes weekly meetings during the whole year.

One special State examination was held in the City of Marysville, October, 1866, and semi-annual State and city examinations have been held, in June and December, in the City of San Francisco.

Printed sets of the examination questions used by the Board have been regularly furnished to each County Board of Examination in the State, and they have been used extensively in county examinations. The heavy expense of printed questions has thus been avoided by County Boards, and a standard approaching some degree of uniformity has been established throughout the State.

The following report of the semi-annual State and city examination, held in San Francisco, December 17th to 24th, 1866, will show the method of conducting such examinations, and the standard set for certificates:

The examination was conducted in writing by means of printed questions. Two sets of questions were used; one set for those seeking high grade or grammar school certificates, and the other for primary school certificates.

The grammar examinations included the following branches: Arithmetic, grammar, geography, history of the United States, methods of teaching, algebra, natural philosophy, physiology, English composition, Constitution and Government of the United States, school law, orthography, defining, reading and elocution, and penmanship. The primary examination included arithmetic, geography, grammar, history of the United States, spelling, defining, penmanship, and reading.

The applicants were known to the examiners of the written papers only by the numbers assigned at the opening of the examination, thus removing any possible chance of favoritism in crediting the papers. The average percentage upon which certificates were to be granted, was fixed by the Board in advance of the examination. The standard for the grammar examination was as follows:

State diploma and grammar masters' city certificates—Eighty-five per cent. and five years' experience in teaching.

Sub-master and first grade certificates—Seventy-five per cent. and two years' experience in teaching.

Second grade State and city certificates—Sixty-five per cent. and one year's experience, or seventy per cent. without experience.

Third grade State and city certificates—Sixty per cent.

For the primary examination, the percentages were as follows:

Second grade State and city certificates, valid for assistants in either grammar or primary schools, eighty per cent. and one year's experience, or eighty-five without experience.

Third grade State and city certificates, for primary school assistants, seventy per cent.

State diplomas and grammar master's city certificates are valid for six years; First grade certificates for four years; Second grade for two years; Third grade for one year. The following is the report of the Board of the lucky and unlucky numbers in the examination :

Grammar Examination.—State diplomas and grammar masters' certificates—Nos. 42, 31, 50; first grade certificate—No. 3; second grade certificates—Nos. 1, 4, 28, 30, 38, 43, 48, 51, 52; third grade—Nos. 27, 34. Failed—Nos. 32, 36, 45, 47, 53.

Primary Examination.—Second grade certificates—Nos. 7, 15, 16, 19, 25, 41, 56; third grade—Nos. 5, 6, 8, 10, 17, 33, 39, 44, 49, 57. Failed—Nos. 2, 9, 11, 12, 13, 14, 18, 21, 22, 23, 29, 35, 40, 54, 58.

The School Law authorizes the State Board to issue certificates to the holders of State Normal School diplomas of other States, and twenty-five certificates have been issued to such graduates. The Board has also recognized the examinations of the City Board of San Francisco, as of equal grade with State examinations, and issued State certificates accordingly.

REVOKING TEACHERS' CERTIFICATES.

It speaks well for the character of teachers and for the care and judgment of the State Board, that not a single certificate out of more than 400 granted during the past five years, has been revoked for "immoral or unprofessional conduct." The following circular, issued by the State Superintendent in the *California Teacher*, will show the grounds taken by the State Board in the matter :

"The semi-official position of a teacher subjects him to the closest scrutiny, and not unfrequently to insinuations and slanders which float around the community, injuring his reputation and usefulness; and yet they are only idle rumors, the authorship of which nobody will dare to own.

"The State Board is not in the habit of revoking certificates without testimony and without giving teachers a hearing in self-defence. Whenever County Superintendents or County Boards of Examination will submit any testimony, other than idle rumor, against the character of a teacher, the State Board will receive it, and act upon it according to the rules of testimony.

"But the State Superintendent does not mean that personal spite, or narrow-minded notions, or slanderous reports, or idle rumors, or whispered charges of 'infidelity,' or anything of the kind, shall be made the occasion for revoking the certificates of teachers.

"Before the State Board, at least, they shall have the right of an impartial hearing. The law does not authorize the State Board, or any County Board, or any County Superintendent, to ask whether a teacher be Jew or Gentile, Catholic or Protestant, Orthodox or Heterodox, Methodist, Unitarian, Presbyterian, or Episcopalian. Before the State Board no question has ever been asked concerning either the religious

or political opinions of an applicant for a State certificate. The only two points to be determined by that Board are good scholarship and good character.

"The State Superintendent recently received a letter from an ex-County Superintendent, complaining that a young lady who was educated at a Catholic school had received a State certificate, and gravely asking, 'If a Catholic could be allowed to teach in our public schools?' The answer was, that the School Law did not authorize Boards of Examination to make any inquiries whatever as to religious opinions.

"The time has passed when men or women are to be proscribed on account of religious opinions. Bigots and sectarians may still characterize all who differ from their own particular church creeds as 'infidels,' but they must not attempt to carry this illiberality into our public schools, nor to exclude teachers from the profession on account of liberal opinions. The spirit of the age is against it."

On the 1st of July, 1867, the State Superintendent appointed the following members for the school year ending June, 1868: George Tait, Principal of the State Normal School; Theodore Bradley, Principal of the Boys' High School; Ellis H. Holmes, Principal of the Girls' High School; Thomas L. Myrick, Principal of the Union Grammar School.

The Revised School Law provides that the State Board may grant State certificates on the results of county examinations. The papers of teachers who apply for State certificates in these county examinations, are received on the following conditions:

1st. *The examination on the State sets of questions must be held within thirty days after the questions are sent out from the Department of Instruction.*

This is to prevent teachers who may go from one county to another from passing a second examination on the same set of questions, and also to guard against communications by letters concerning the character of the questions in use.

2d. *The papers must be examined, credited, summed, and forwarded to the State Board.*

The original papers are required, to prevent the possibility of unfair crediting by any County Board.

3d. *The members of the County Board are required to certify that the applicant has a good moral character, and has been successful in teaching.*

Under these provisions most of the professional teachers of the remote counties have secured State diplomas, or first and second grade State certificates.

To be eligible to receive a State diploma, a teacher, in addition to passing a high per cent. on examination, must have had five years' experience, unless a graduate of a State normal school; two years to secure a first grade certificate. The second and third grades are granted without any limitation of experience.

This system of State certificates and examinations has done much to make the occupation of teaching respectable, and to stimulate the self-respect and ambition of teachers. It has laid the foundation for a "profession" among men who permanently engage in teaching.

A reference to the list of professional teachers will show the results of the last four years.

No other State in the Union has so complete and well devised a system of State and county examinations, and California may safely challenge any other State to show so large a ratio of teachers to the whole number in the State, who hold State certificates.

It has been my aim to stimulate, in every way possible, the ambition of teachers to secure the highest possible grade of State certificate, and the result has exceeded all I dared expect.

Form of a State Life Diploma.

No. —

STATE LIFE DIPLOMA.

State of California.

[Seal]

Department of Instruction.

The State Board of Education, having had satisfactory evidence that the bearer, ———— holds a State Diploma, received from the State Board of Examination after a full and thorough examination in all the studies required by law; that ———— has had the requisite number of years' experience in teaching, and has been recommended by the State Board of Examination as worthy to be admitted to the highest honors of the profession of teaching; hereby issue to ————, in accordance with the provisions of the Revised School Law, this STATE LIFE DIPLOMA, which entitles the holder to teach in any Public School in this State, and which shall remain valid during the life of the holder.

San Francisco, ————, 186 .

Sup't of Santa Clara Co.

Governor.

Sup't of San Joaquin Co.

Sup't Public Instruction.

Principal S. N. School.

Sup't of San Francisco.

Elected Member.

Sup't of Sacramento Co.

Elected Member.

State Board of Education.

Form of a State Educational Diploma.

[Revised Form.]

No. —

STATE EDUCATIONAL DIPLOMA.

State of California.

[Seal]

Department of Instruction.

The State Board of Examination, having examined ————, in compliance with the provisions of the Revised School Law, hereby issue this STATE EDUCATIONAL DIPLOMA, which entitles the holder to teach in any Public School in this State, and which shall remain valid for the term of six years from date.

Sup't Public Instruction.

DEPARTMENT OF
PUBLIC INSTRUCTION. }

San Francisco, ————

State Board of Examination.

[Reverse.]

STANDING IN EXAMINATION.

	Credits.	Present Standing
Arithmetic		100
Grammar		100
Geography		100
History of United States		100
Theory and practice of teaching.. ..		100
Algebra		50
Physiology		50
Natural philosophy		50
Penmanship		50
English composition		50
Orthography		50
Defining		50
Reading and elocution		50
Constitution and Government of United States.....		50
School Law of California		50
<i>Extra credits, not to exceed 25 for each branch.</i>		
Vocal and instrumental music		
Drawing		
Calisthenics and gymnastics		
Experience in teaching		
Total		1,000
Percentage		
Relative standing in examination		
Whole number examined		

Forms of the various State Certificates.

No. —

FIRST GRADE STATE CERTIFICATE.

State of California.

[Seal]

Department of Instruction.

The State Board of Examination, having examined _____ in compliance with the provisions of the Revised School Law, hereby issue this FIRST GRADE STATE CERTIFICATE, which entitles the holder to teach in the Common Schools of this State, as Assistant of a City Grammar School, as Principal of a City Primary School, or as Teacher of a County School of any grade, and which shall remain valid for the term of four years from date.

 Sup't Public Instruction.

State Board of
 Examination.

DEPARTMENT OF INSTRUCTION,
 San Francisco, _____, 186 }

No.——

SECOND GRADE STATE CERTIFICATE.

State of California.

[Seal]

Department of Instruction.

The State Board of Examination, having examined _____ in compliance with the provisions of the Revised School Law, hereby issue this CERTIFICATE OF THE SECOND GRADE, which entitles the holder to teach in the Public Schools of this State, as Assistant in a City Grammar School, or as teacher of a Second Class Ungraded County School, and which shall remain valid for two years from date.

Sup't Public Instruction.

} State Board of
Examination.

DEPARTMENT OF INSTRUCTION, }
San Francisco, _____, 186 }

—————

No.——

THIRD GRADE STATE CERTIFICATE.

State of California.

[Seal]

Department of Instruction.

The State Board of Examination, having examined _____ in compliance with the provisions of the Revised School Law, hereby issue this CERTIFICATE OF THE THIRD GRADE, which entitles the holder to teach in the Public Schools of this State, as Assistant in a City Primary School, or as a teacher of a Third Class Ungraded County School, and which shall remain valid for the term of one year from date.

Sup't Public Instruction.

} State Board of
Examination.

DEPARTMENT OF INSTRUCTION, }
San Francisco, _____, 186 }

EDUCATIONAL DIRECTORY.

[Revised to date of January 1st, 1867.]

HOLDERS OF STATE LIFE DIPLOMAS,

With their residence, salaries, and position in the Department of Instruction.

Name.	Residence.	Position.	Salary per annum or month.
Atwood, Mrs. C. L.....	San Francisco.....	Assistant Boys' High School.....	\$1,200
Bagnall, John.....	Colusa.....	Public School.....	.....
Bunnell, Geo. W.....	San Francisco.....	.....	.....
Bradley, Theodore †.....	San Francisco.....	Principal Boys' High School.....	2,500
Brown, George.....	Hornitos.....	Principal Grammar School.....	1,250
Brown, F. R. †.....	Sutter Creek.....	Principal Grammar School.....	1,000
Carlton, H. P.....	San Francisco.....	Assistant State Normal School.....	2,000
Clark, Dorcas.....	Petaluma.....	Baptist Seminary.....	1,300
Clark, Mary E.....	San Francisco.....	City College.....	1,000
Clark, Miss H. M. †.....	San Francisco.....	.....	.....
Cummings, C. C.....	Ukiah.....	Ukiah Grammar School.....	1,400
Denman, James †.....	San Francisco.....	Superintendent City Schools.....	4,000
Harlow, James †.....	Bloomfield.....	First Grade County.....	1,000
Howe, J. M.....	Sacramento.....	.....	.....
Holmes, Abira †.....	San Francisco.....	.....	.....
Holmes, Ellis H †.....	San Francisco.....	Principal Girls' High School.....	2,500
Holbrook, T. W. J. †.....	San Francisco.....	Sub-Master Lincoln Grammar School.....	1,500
Hoitt, Ira G.....	San Francisco.....	.....	.....
Houghton, Miss E. W.....	San Francisco.....	Assistant State Normal School.....	1,300
Kennedy, Kate.....	San Francisco.....	North Cosinopolitan.....	1,200
Knowlton, Ebenezer.....	San Francisco.....	Principal Rincon Grammar School.....	2,100
Leonard, T. C.....	San Francisco.....	Teacher Mathematics, Boys' High School.....	2,100
Littlefield, J. D. †.....	San Francisco.....	Sub-Master Union Grammar School.....	1,500
Lucky, W. T.....	San Francisco.....	Principal Lincoln School.....	2,100
Mann, A. L.....	San Francisco.....	Assistant Latin School.....	1,800
Marks, Bernhard.....	San Francisco.....	Principal Spring Valley Grammar School.....	2,100
Mack, George C.....	Binghamton.....	First Grade County.....	900
Morse, Augustus, Jr.....	Grass Valley.....	Public School.....	1,200
Morrill, Joseph C.....	San Francisco.....	Principal Industrial School.....	2,000
Morris, George F.....	Red Bluff.....	Grammar School.....	1,000
Myrick, Thomas S.....	San Francisco.....	Principal Union Grammar School.....	2,100
McChesney, J. B.....	Oakland.....	Principal Grammar School.....	1,750
Nutting, H. N.....	Redwood City.....	Principal Grammar School.....	1,000
Pelton, John C.....	San Francisco.....	.....	.....
Priece, Caroline.....	Oakland.....	Grammar School.....	1,000
Rowell, W. K.....	San Francisco.....	Principal Latin High School.....	2,100
Sibley, J. M.....	San Francisco.....	Assistant Boys' High School.....	1,800
Simonton, G. W.....	Vallejo.....	Principal Vallejo Grammar School.....	1,500
Stone, D. C.....	Marysville.....	Principal Grammar School.....	1,900
Stratton, James.....	San Francisco.....	Principal Washington Grammar School.....	2,100
Swett, John.....	San Francisco.....	Principal Denman Grammar School.....	2,100
Swett, Mrs. M. L.....	San Francisco.....	.....	.....
Sweczy, Samuel I. C †.....	San Francisco.....	Editor <i>California Teacher</i>.....	.....
Tait, George.....	San Francisco.....	Principal State Normal School.....	2,500
Taylor, Robert.....	Kelsey.....	First Grade County.....	.....
Templeton, M. L.....	Sacramento.....	Principal High School.....	1,800

TOTAL.....46.

* Graduates of State Normal School.

LIST OF HOLDERS OF STATE EDUCATIONAL DIPLOMAS,

With their residence and position in the Department of Instruction.

Name.	Residence.	Position.	Salary per annum or month.
Ashley, Julia V*	Martinez.....	Assistant Grammar School.....	\$ 75
Anderson, J. W	Hearldsbury.....	Sotoyome Institute.....	.....
Allen, L. D.	San Francisco.....	Sub-Master Spring Valley School	1,500
Allen, R. H.	Chico.....	Superintendent Butte County.....	.....
Ames, C. G.	Santa Rosa.....	Superintendent Sonoma County.....	1,500
Abbott, Warren.....	Pacheco.....	First Grade County.....	1,000
Abbott, J. P.	Antioch.....	Public School.....	1,000
Bailey, C. P.	Monterey.....	Grammar School.....	1,000
Batchelder, H. T.	Chico.....	Public School.....	.....
Beales, Mrs. C. R.	San Francisco.....	Assistant Girls' High School.....	1,200
Bissell, J. A.	Sacramento.....	Public School.....	.....
Brierly, John R.	San José.....	.....	.....
Brodt, A. W.	Petaluma.....	Principal Grammar School.....	1,500
Bolander, Henry N.	San Francisco.....	Principal Cosmopolitan School.....	2,100
Campbell, F. M.	Oakland.....	College School.....	2,400
Casebolt, Miss M. A.	San Francisco.....	.....	.....
Clapp, Mrs. L. A.	San Francisco.....	Denman Grammar School.....	960
Clarke, L. R.	Oroville.....	County School.....	80
Clarke, Charles Russell..	San Francisco.....	City Seminary.....	.....
Cottle, Melville.....	Stockton.....	Superintendent San Joaquin County.....	1,200
Childs, C. W.*.....	Diamond Springs..	First Grade County.....	1,000
Crossette, F. M.	Jamestown.....	Public School.....	1,000
Cook, Mrs. P. C.	San Francisco.....	Assistant Training School.....	1,000
Desty, Robert.....	San Francisco.....	West End School.....	1,200
Deal, M. S.	Nevada.....	.....	.....
Dodge, William C.	Oakland.....	College School.....	1,500
DuBois, Mrs. A. E.	San Francisco.....	City Training School.....	1,200
Farley, A. J.	Marysville.....	.....	.....
Flood, Noah F.	Visalia.....	Principal Grammar School.....	1,500
Flood, Mrs. Frank.....	Visalia.....	Assistant Grammar School.....	750
Fuller, A. L.	San Lorenzo.....	Public School.....	1,000
Fowler, Laura T.	San Francisco.....	Assistant Cosmopolitan School.....	1,000
Gates, Freeman.....	San José.....	Principal San José Institute.....	.....
Granger, W. N.	Marysville.....	Assistant Grammar School.....	1,100
Goodrich, A. H.	Colfax.....	First Grade County.....	1,000
Humphrey, E. D.*.....	San Francisco.....	Principal Mission Grammar School.....	2,100
Hunt, Carrie Lf.....	San Francisco.....	Lincoln Primary School.....	870
Howe, H. H.	Sacramento.....	Principal Grammar School.....	1,350
Holder, W. W.	Alameda.....	Public School.....	800
Huntley, O. H.	Almaden.....	First Grade County.....	1,000
Harris, Mary R.	San Francisco.....	Private Grade.....	.....
Hoitt, Mrs. Jennie B.	San Francisco.....	.....	.....
Kennedy, J. G.*.....	San José.....	First Grade County.....	900
Kellogg, Prof. Martin..	Oakland.....	College of California	2,000
Kinne, H. C.	San Rafael.....	Public School.....	900
Loomis, Miss A.	Stockton.....	Assistant Grammar School.....	800
Louttit, J. A.*.....	Brooklyn.....	Principal Grammar School.....	1,250
McDonald, A. H.	Placerville.....	Grammar School.....	1,000
Makinney, H. E.	Santa Cruz.....	Principal Grammar School.....	\$1,500
McCarty, A. P.	Lakeport.....	.....	.....
McBride, H. E.*.....	San Francisco.....	Sub-Master Washington Grammar School	1,500
McFadden, Miss A.†.....	.....	.....	.....
McFadden, W. M.	San Leandro.....	Grammar School.....	1,000
McKenzie, Maggie.....	San Francisco.....	Assistant of Girls' High School.....	1,080
Merrill, Mary E.	Sacramento.....	.....	.....
Nicholson, Thomas †.....	San José.....	Moreland.....	1,000
Nelson, Mrs. C. H.	Sacramento.....	Public School.....	.....
Prior, Philip.....	San Francisco.....	Sub-Master of Lincoln Grammar School..	1,200

* Graduates of California State Normal School.

† Graduates of other State Normal Schools.

LIST OF HOLDERS OF STATE EDUCATIONAL DIPLOMAS—Continued.

Name.	Residence.	Position.	Salary per annum or month.
Penwell, S. A.....	Placerville.....	County School.....	1,000
Powell, Howell*.....	Clayton.....	County School.....	1,000
Pearson, D. C.....	Eureka.....	High School.....	1,000
Pearson, Sarah R.....	Fairfield.....	.....	.....
Prescott, Miss D. S.....	San Francisco.....	Assistant of Washington Grammar School	1,000
Preston, E. M.....	Nevada.....	Grammar School.....	1,250
Rattan, Volney.....	Stockton.....	.....	.....
Randall, A. H.....	Stockton.....	Principal of Grammar School.....	1,000
Reed, L. W.....	San Francisco.....	City College.....	1,000
Rosseau, E.*.....	Sacramento.....	County School.....	80
Rose, T. H.....	Los Angeles.....	Principal of Grammar School.....	1,500
Sanders, W. A.....	Chico.....	Grammar School.....	1,000
Schellhous, E. J.....	Woodland.....	Plainfield School.....	90
Smith, Annie.....	Sacramento.....	Public School.....	.....
Smith, W. A. C.....	St. Helena.....	Public School.....	1,000
Stone, T. N.†.....	Yreka.....	Yreka Grammar School.....	1,250
Stone, H. P.....	Soquel.....	.....	.....
Stone, Mrs. B. H.†.....	Yreka.....	Assistant of Grammar School.....	80
Shipley, J. C.*.....	San Francisco.....	Assistant of Industrial School.....	1,000
Steel, T. H.....	Yuba County.....	Public School.....	.....
Stout, Mrs. C. H.....	San Francisco.....	Normal Training School.....	1,380
Stineen, Mary A.....	San Francisco.....	Head Assist't Fourth Street Prim. School	900
Stineen, Alice M.....	Sacramento.....	Public School.....	800
Stirling, J. F.....	San Francisco.....	.....	.....
Sumner, J. H.†.....	San Francisco.....	Sub-Master of Mission Grammar School..	1,200
Southworth, Mrs Ellen N	Sacramento.....	.....	.....
Townsend, Dennis.....	Volcano.....	First Grade County.....	100
Thurston, E. T.....	Georgetown.....	First Grade County.....	900
Upham, Isaac.....	Marysville.....	County Superintendent.....	1,000
Van Shaick, L. H.....	Santa Clara.....	Union Pacific.....	1,000
Winn, A. T.....	Oakland.....	College School.....	1,500
White, William.....	San José.....	High School.....	1,400
White, Silas A.*.....	San Francisco.....	Shotwell Street School.....	1,500
White, T. B.....	Campo Seco.....	County School.....	.....
Wilkinson, Warring.....	San Francisco.....	Institute for Deaf, Dumb and Blind.....	3,000
Walker, C. H.....	Ione Valley.....	.....	.....
Welch, B. F.....	.....	.....	.....
Weir, Sarah J.....	Sacramento.....	.....	.....

TOTAL.....94.

* Graduates of California State Normal School.

† Graduates of other State Normal Schools.

HOLDERS OF FIRST GRADE STATE CERTIFICATES.

Name.	Residence.	Position.	Salary per annum or month.
Andrews, Julia M.†.....	Auburn.....	Auburn Grammar School.....	\$ 800
Aldrich, Abby F.....	San Francisco.....	Union Grammar School.....	960
Asbbrook, M. V.....	Walnut Creek.....	County School.....	800
Bailey, Adelaide G.†....	Vallejo.....	Public School.....	700
Barnes, Mary.....	Napa.....	Collegiate Institute.....	900
Brigham, Julia P.†.....	Santa Clara.....	Grammar School.....	800
Burrowes, Caroline F.†..	Centreville.....	Public School.....	800
Broadbent, E.*.....	Forest Springs.....	First Grade County.....	1,000
Baldrige, Miss D. S.....	Mission San José.....	Public School.....	750
Bragg, Mary J.....	San Francisco.....	Shotwell Street School.....	810
Bouton, Samantha.....	Napa.....	Public School.....	.....
Bevans, Maggie E.*.....	San Francisco.....	Eighth Street Primary.....	810
Barr, Sarah H.....	San Francisco.....	Assistant Girls' High School.....	1,080
Biggs, Thomas.....	Red Bluffs.....	Antelope School.....	80
Baumgardner, Mrs. E. M.....	San Francisco.....	Head Assistant Denman School.....	1,000
Baldwin, Nellie S.*.....	San Francisco.....	Broadway Primary School.....	810
Benjamin, Carrie V.....	San Francisco.....	Principal Powell Street Primary.....	1,200
Barthelew, Mrs. C. W.....	Bodega.....	County School.....	.....
Campbell, Cornelia E.*..	San Francisco.....	.....	810
Carey, Susie*.....	San Francisco.....	Head Assistant Union Grammar School..	1,000
Cocks, Miss Roxa*.....	.....	.....	.....
Comstock, Bertha*.....	San Francisco.....	Lincoln School.....	810
Chalmers, Miss A. B.....	San Francisco.....	Hyde Street Primary.....	810
Cummings, Miss C. A.*..	San Francisco.....	Union Grammar School.....	810
Crowhurst, W.....	.....	.....	.....
Chase, Carrie M.*.....	San José.....	San José Institute.....	700
Cooke, Hannah.....	San Francisco.....	Principal Primary School.....	1,080
Cleaveland, Miss E. A.....	San Francisco.....	Head Assistant Lincoln School.....	1,000
Coe, Ella J.....	Alameda County.....	.....	.....
Coulter, Leonard.....	Susanville.....	Public School.....	.....
Duane, Mrs. A. S.....	San Francisco.....	Principal Primary School.....	1,200
Davis, Sadie*.....	San Francisco.....	Fourth Street Primary School.....	810
Deane, Mrs. Margaret...	San Francisco.....	Private School.....	.....
Doud, Nettie*.....	San Francisco.....	Denman Grammar School.....	810
D'Arcy, Melissa.....	San José.....	.....	800
Eames, R.*.....	.....	.....	.....
Estabrook, Miss M. H.*..	San Francisco.....	Union School.....	810
Evans, Ellen A.....	Shasta.....	Public School.....	.....
Field, Carrie P.*.....	San Francisco.....	Head Assist. Spring Valley Gram. School..	1,000
Fink, Miss P. A.*.....	San Francisco.....	Principal S. V. Primary School.....	960
Fernald, Miss L. O.....	Santa Cruz.....	Public School.....	800
Flint, Almira T.*.....	San Francisco.....	Denman School.....	810
Fry, William H.....	Silveyville.....	Fremont School.....	75
Garbriek, N. B.....	Alviso.....	Second Grade County.....	1,000
Gay, Milus.....	Santa Clara.....	University Pacific.....	.....
Gillespie, E. J.....	Sonoma.....	Sonoma College.....	.....
Gray, John C.....	Butte County.....	Oroville Grammar School.....	1,000
Gregory, Susan F.....	Sacramento.....	Public School.....	.....
Gunn, Sarah M.....	San Francisco.....	Special Assistant Cosmopolitan.....	960
Griffith, Mrs. Aurelia.....	San Francisco.....	Principal Primary School.....	1,200
Green, Abby L.....	Santa Barbara.....	Grammar School.....	900
Gummer, Lillie A.*.....	San Francisco.....	Denman School.....	810
Hucks, Annie.....	San Francisco.....	Broadway Primary.....	810
Hunt, B. E.*.....	.....	.....	.....
Hill, Miss A. A.....	Shotwell.....	Shotwell Primary.....	810
Haehnlin, Miss Julia C..	San Francisco.....	Cosmopolitan School.....	810
Hall, Annie J.....	San Francisco.....	.....	.....
Hall, Mary E.*.....	Los Angeles.....	San Gabriel School.....	.....
Holmes, Annie M.....	San Francisco.....	Denman School.....	810
Holmes, Ellen*.....	San Francisco.....	Denman School.....	\$810

*Graduates of California State Normal School.

†Graduates of other State Normal Schools.

HOLDERS OF FIRST GRADE CERTIFICATES—Continued.

Name.	Residence.	Position.	Salary per annum or month.
Hoyt, Mary E.....	Los Angeles.....	Principal Grammar School.....	\$1,000
Huntington, Mrs. E. N.....	San Francisco.....	Tehama School.....	810
Hubbard, Minnie E.....	Nevada.....	Public School.....	90
Hopkins, A. S.....	Bloomfield.....	Public School.....	.....
Houghton, George E.....	San José.....	San José Institute.....	1,500
Hurlburt, Isaiah.....	Washington.....	Public School.....	100
Howe, Converse.....	Sacramento.....	County School.....	100
Jackman, L. H.....	Elk Grove.....	Public School.....	100
Joy, Mary E.....	Sacramento.....	Public School.....	.....
Johnson, J. G.....	Sacramento.....	Public School.....	1,000
Jewett, Annie S.*.....	San Francisco.....	Potrero.....	900
Jewett, Lizzie B.*.....	San Francisco.....	Lincoln School.....	810
Jewett, Susie N.....	Oakland.....	Private School.....	1,200
Kennedy, W. W.....	San José.....	Willow Glen School.....	100
Kennedy, J. P.....	Belmont.....	Public School.....	80
Kennedy, J. F.*.....	Mountain View.....	.....	900
Kirkpatrick, J. M.....	Vacaville.....	Pacific Methodist College.....	.....
Kincaid, Mrs. M. W.....	San Francisco.....	Union School.....	810
Kenney, Alice.....	San Francisco.....	Denman Grammar School.....	810
Ludlum, Mrs. E. M.....	San Francisco.....	City School.....	810
Lewis, Mrs. Cloelia M.*.....	San Francisco.....	Private School.....	.....
Lewis, Matilda.....	Oakland.....	Oakland Seminary.....	1,200
Lyser, Albert.....	Alvarado.....	County School.....	800
Leonard, Francis J.....	San Francisco.....	Evening School.....	.....
Lloyd, Mary A.....	San Francisco.....	Tehama School.....	810
McGlashan, Miss M.....	Placerville.....	.....	.....
McGlashan, C. F.....	Placerville.....	County School.....	.....
McNaughton, C. D.*.....	.....	.....	.....
Morse, Le Grand.....	Mendocino.....	Public School.....	.....
Moulton, Proctor.....	.....	.....	.....
Miller, Horace.....	Grass Valley.....	Union Hill School.....	800
Millette, P. C.....	Stockton.....	County School.....	.....
Morgan, John J.*.....	San Francisco.....	Shotwell Primary School.....	810
Moore, John A.....	Martinez.....	Principal Grammar School.....	1,000
Mergerlee, L. J.*.....	Santa Clara.....	University of the Pacific.....	.....
Mastic, Miss L. J.....	San Francisco.....	Principal Hayes' Valley Primary.....	1,020
Manning, Agnes M.....	San Francisco.....	Lincoln Grammar School.....	960
Morgan, Mrs. L. A.....	San Francisco.....	Principal Primary School.....	1,200
Olinger, A. F.*.....	Calistoga.....	County School.....	80
O'Neill, O. H.....	Santa Rosa.....	Principal Grammar School.....	1,000
Oak, Henry L.....	.....	.....	.....
Owens, Nellie M.*.....	Brooklyn.....	Primary School.....	75
Overend, Lizzie.....	San Francisco.....	Broadway Primary.....	810
Pasecoe, Mary J.*.....	San Francisco.....	Tehama School.....	810
Peck, A. W.....	Benicia.....	Public School.....	1,000
Porter, Sarah J.....	Coloma.....	County School.....	800
Rackliffe, Levi.....	.....	Public School.....	.....
Ralph, M. A.....	Sonora.....	Public School.....	.....
Ray, J. H.....	Yuba County.....	.....	.....
Reed, J. E.....	San José.....	.....	.....
Ritchie, Mary J.....	San Francisco.....	Lincoln School.....	810
Renfro, Lewis C.....	Lakeport.....	.....	.....
Reynolds, Mrs. F. E.....	San Francisco.....	Head Assistant Mission Grammar.....	1,000
Sanders, Mary E.....	Sacramento.....	Public School.....	.....
Satterlee, Helen.....	San Francisco.....	Powell Street School.....	810
Scott, William R.....	.....	.....	.....
Scott, M. M.....	French Corral.....	Public School.....	800
Sears, Miss Marion*.....	.....	.....	.....
Shearer S. M.....	Mayfield.....	Grammar School.....	1,000
Smith, Mrs. A. A.†.....	St. Helena.....	.....	.....
Smith, Carrie L.....	San Francisco.....	Public School.....	810

* Graduates of California State Normal School.

† Graduates of other State Normal Schools.

HOLDERS OF FIRST GRADE CERTIFICATES—Continued.

Name.	Residence.	Position.	Salary per annum or month.
Smith, Jennie*.....	San Francisco	Tehama Primary School.....	\$960
Smith, Flora E.*.....	Alameda	Encinal.....	75
Smith, Jessie.....	San Francisco.....	Tehama Primary School.....	810
Sheldon, Jennie.....	San Francisco.....	San Bruno School.....	900
Sherman, Sarah S.....	Benicia	Seminary.....	900
Slavan, Annie.....	San Francisco	Principal Eighth Street Primary School..	1,200
Stincen, Alice M.	Sacramento	Public School.....	75
Stevens, S. C. ....	.....	.....	.....
Stevens, Carrie A.	Pacheco.....	County School .....	.....
Stowell, Miss Mary.....	San Francisco.....	Rincon School.....	810
Stowell, Miss P. M.....	San Francisco.....	Primary School.....	810
Sullivan, Kate.....	San Francisco	Principal Lincoln Primary School.....	1,380
Templeton, Laura S.....	Sacramento.....	.....	.....
Tibbey, Emily M.....	San Francisco.....	Union School.....	810
Thomas, Lucinda.....	Suisun.....	Public School.....	.....
Thompson, Helen	San Francisco	Head Assistant Rincon School.....	1,000
Thurton, Miss S. E.....	San Francisco	Powell Primary School.....	810
Thurbur, Alfred.....	Pacheco	Grammar School	1,000
True, Charles F.....	Jackson.....	County School .....	.....
Treat, Mrs. H. H.†.....	San Francisco.....	Mission School.....	810
Trowbridge, N. S.*.....	Jackson.....	Public School.....	.....
Wade, Margaret*.....	San Francisco.....	Rincon School.....	810
Wallace, Mrs. L. D.†.....	San Francisco.....	Tehama Primary School.....	810
Warren, C. G.....	Bangor.....	Public School.....	80
Warren, R. B.....	Jackson	Grammar School.....	1,000
Wasson, Milton.....	Suisun.....	Superintendent Solano Co.....	.....
Wells, J. H.....	Fourth Crossing..	Superintendent Calaveras Co.....	900
White, Sarah J.....	San Francisco.....	Washington School.....	810
Williamson, Mrs. E. A...	Los Angeles.....	Public School.....	1,000
Woods, M. A.....	Cache Creek.....	.....	.....
Wood, Mrs. E. A.....	San Francisco.....	Principal Tehama Primary School.....	1,200
Wright, Mrs. E.....	Redwood City.....	Public School.....	75
Wright, Mrs. Ada E.*...	.....	.....	.....
Yates, W. A.....	Centreville	Public School.....	800
Yule, John.....	Hayward's	County School.....	800

TOTAL.....157.

* Graduates of California State Normal School.

† Graduates of other State Normal Schools.

HOLDERS OF SECOND GRADE STATE CERTIFICATES.

Name.	Residence.	Position.	Salary per annum or month.
Allen, Mrs. Lavenna.....	San Francisco.....	City School.....	\$810
Ball, Miss Mary.....	Chico.....	Public School.....	
Barker, Miss Sarah K.....	San Francisco.....	Public School.....	810
Bannister, Miss M E.....	Santa Clara.....	.....
Boynton, Geo F.....	.....	.....
Bowen, Miss Clara C.....	San Francisco.....	Primary School.....	810
Brady, Mrs M J.....	.....	.....
Bigsby, Emma*.....	Bloomfield.....	Primary School.....	
Burke, Miss Ella R.....	Sacramento.....	City School.....	75
Burke, Miss Evelyn E.....	Sacramento.....	City School.....	75
Campbell, Amy T.*.....	San Francisco.....	Greenwich Street School.....	810
Carswell, Abby A.*.....	Stockton.....	Primary.....	700
Cameron, Miss A. S.*.....	San Francisco.....	Third Street School.....	810
Crocker, Miss L. H.....	.....	.....
Chapman, Miss E. M.*.....	Sonoma County.....	Public School.....	
Clayton, Kate J.*.....	Santa Clara.....	Primary School.....	60
Chalmers, Miss Agnes.....	San Francisco.....	Primary School.....	810
Davies, Mrs. Melvina.....	San Francisco.....	Private School.....	
DeGroot, George M.....	Pescadero.....	Public School.....	80
Elmore, Miss H. M.....	Watsonville.....	Assistant Grammar School.....	800
Estabrook, Hattie J.*.....	San Francisco.....	Fourth Street Primary School.....	600
Frissell, Miss Sarah E.*.....	San Francisco.....	Eighth Street School.....	810
Featherly, Henrietta*.....	San Francisco.....	San Bruno School.....	600
Garrison, Gazina*.....	San Francisco.....	City School.....	810
Gales, Miss H. M.....	San Francisco.....	Primary School.....	810
Greer, Miss Jane E.*.....	San Francisco.....	.....
Gregory, Sophia P.....	Sacramento.....	Public School.....	
Gibbons, Anna*.....	San Francisco.....	Fourth Street Primary School.....	810
Grant, Ellen G*.....	San Francisco.....	Union Primary School.....	810
Germain, Clara*.....	Martinez.....	Assistant Primary School.....	600
Gray, Anna L.*.....	San Francisco.....	City Training School.....	600
Hancock, George H.....	.....	.....
Hall, Maggie J.....	San Francisco.....	Lincoln School.....	810
Hall, Sallie.....	.....	City School.....	
Howe, Fannie S.....	San Francisco.....	.....
Haskell, Mrs. L. J.....	La Porte.....	Public School.....	
Harrington, Miss Mary.....	Watsonville.....	Primary School.....	650
Hampton, Mrs. M. G.*.....	Brooklyn.....	Primary School.....	650
Heydenfelt, Mary G.*.....	San Francisco.....	Normal Training School.....	810
Howard, Miss Maggie*.....	.....	.....
Ingraham, Mrs. R. F.....	San Francisco.....	Primary School.....	810
Jordan, Maggie L.*.....	San Francisco.....	Market Street School.....	810
Jourden, Anuie M.*.....	San Francisco.....	Fourth Street School.....	810
Kimball, Miss A. L.*.....	San Francisco.....	Protestant Orphan Asylum.....	
Kennedy, Annie E.*.....	Span. Dry Dig's.....	.....	75
Littlefield, Nellie A.*.....	San Francisco.....	Market Street School.....	810
Lawless, Miss Martha*.....	.....	.....
Little, Mary J.....	San Francisco.....	Denman Grammar School.....	\$810
Lynde, Mrs. M. A.....	Oakland.....	.....
Lannon, J. W.....	Colusa.....	Public School.....	
Louttit, Mary A.....	Mokelumne Hill.....	.....
Metcalf, Mary F*.....	San Felipe.....	County School.....	
Merry, D. B.....	Chile Gulch.....	County School.....	
Miller, Sarah E*.....	San Francisco.....	Cosmopolitan School.....	810
Morgan Lizzie A*.....	San Francisco.....	Tehama School.....	810
Murphy, Miss Mary.....	San Francisco.....	Spring Valley School.....	810
Moulthrop, Miss M. S*.....	San Francisco.....	Rincon School.....	810
Mullendore, Noah.....	Alameda.....	Public School.....	
Norton, Miss Mary J*.....	San Francisco.....	Public School.....	810
Newell, Lissie A*.....	Petaluma.....	Assistant Primary School.....	

* Graduates of California State Normal School.

HOLDERS OF SECOND GRADE CERTIFICATES—Continued.

Name.	Residence.	Position.	Salary per annum or month.
Nichols, Miss F. A. E*.....	San Francisco.....	Tehama Primary School.....	\$810
Nolen, M. J.....	Suisun.....	Public School.....	1,000
O'Connor, Miss M. E*.....	San Francisco.....	Mission Grammar School.....	810
Oliver, Sarah J. K.....	.....	.....	70
Palmer, Phoebe.....	.....	.....	.....
Perkins, Mary.....	San Francisco.....	Primary School.....	810
Piper, Frances B*.....	.....	.....	.....
Powell, George E.....	.....	.....	.....
Perkins, Miss Mary*.....	.....	.....	.....
Rodgers, Arthur*.....	.....	.....	.....
Royce, Mary E.....	.....	.....	.....
Royce, Mrs. S. E.....	.....	.....	.....
Roberts, Ella A*.....	Albany, Oregon.....	.....	.....
Rand, John H.....	Sawyers' Bar.....	.....	.....
Salisbury, Miss M. A.....	San Francisco.....	Lincoln Primary.....	810
Soule, Maria L*.....	.....	.....	.....
Soule, Fanny*.....	San Francisco.....	North Cosmopolitan School.....	810
Stone, Carrie O.....	Marysville.....	Public School.....	.....
Simon, Frances*.....	San Francisco.....	Public School.....	810
Spooner, Carrie J.....	Oakland.....	City School.....	750
Smith, Grace*.....	San Francisco.....	Cosmopolitan.....	600
Slater, Miss Henrietta*.....	.....	.....	.....
Savage, Miss Mary E*.....	.....	.....	.....
Taylor, Valeria M.....	Solano County.....	Public School.....	.....
Thomas, Mrs. S. D.....	Chico.....	Public School.....	.....
Towle, Charles B.....	Centreville.....	First Grade County.....	100
Varney, Mrs. E.....	San Francisco.....	Lincoln Grammar School.....	810
Wells, Mrs. Laura H.....	Sacramento.....	City School.....	750
White, Elizabeth*.....	San Francisco.....	Union Primary School.....	810
Williams, Miss S. A*.....	.....	.....	.....
Williams, Mary E*.....	San Francisco.....	Public School.....	810
Whitney, Sarah H.....	San Francisco.....	City School.....	810
Witt, T. J.....	Liberty.....	Public School.....	.....
Wickliff, Alvira.....	San Francisco.....	.....	.....
Youngberg, Mary*.....	San José.....	Public School.....	750
Yates, Margaret J.....	Centreville.....	Cosmopolitan School.....	810
York, Elizabeth.....	San Francisco.....	Public School.....	.....

TOTAL.....102.

* Graduates of California State Normal School.

HOLLERS OF THIRD GRADE STATE CERTIFICATES.

Name.	Residence.	Position.	Salary per annum or month.
Anderson, Sarah E.*.....	San Francisco.....	Potrero Primary School.....	\$600
Atkinson, Julia A.	Vallejo.....	Public School.....	
Beers, Adrianna L.....	San Francisco.....	City School.....	
Bell, Mary.....	San Francisco.....		
Bryant, John W.....	Sonoma County.....	Public School.....	
Clark, Mary P.*.....	Alameda.....		
Doyle, Annie L.....	Antioch.....	Public School.....	
Forbes, Jennie A.....	San Francisco.....	Lincoln School.....	810
Fifield, Mrs. L. L.....	Sierra County.....	Public School.....	
Gaddis, Annie D.*.....	Woodland.....	Public School.....	600
Gallagher, Ellen.....	San Francisco.....	Tehama School.....	600
Gallagher, Isabella.....	San Francisco.....		
Gallagher, Louisa B.....			
Gelston, Julia M.....	San Francisco.....		
Gallagher, Maggie J.....	San Francisco.....		
Harvey, Ella M.*.....			
Hart, Pauline.....			
Hurlburt, Mrs. Belle.....	San Francisco.....		810
Johnson, Alice F.....	San Francisco.....		
Joice, Amelia.....	San Francisco.....		
Locke, Hattie B.*.....	San Francisco.....		
Lewis, Anna H.....			
Lannon, Jas. Walter.....	Colusa.....	Public School.....	
Mowry, Susie A.....	Oakland.....	Primary School.....	600
Meador, Etta.....	Stockton.....	Public School.....	
O'Brien, Kate*.....	San Francisco.....	Primary School.....	600
Paul, Rebecca P.....	Redwood City.....		600
Sullivan, Therese M.....	San Francisco.....	Spring Valley Primary School.....	810
Shuey, S. Jennie.....	San Francisco.....		
Stockton, Anna.....	Folsom.....	Public School.....	
Thayer, Miss S. H.....	San Francisco.....	Union School.....	810
Wool, Hattie L.*.....	San Francisco.....	City School.....	600
Willis, Miss E. E.....	Oakland.....	City School.....	700

TOTAL33.

* Graduates of California State Normal School.

SALARIES OF TEACHERS.

A reference to the list of holders of State certificates will show the salaries which are paid to the best teachers in various parts of the State.

The increase of salaries during the past four years has been not so much in the cities as in the smaller towns and first grade county schools, and in these schools the increase is mainly owing to the fact that schools are maintained ten months in the year instead of six or eight months as formerly.

Commencing with the holders of life diplomas, it will be noticed that the City Superintendent of San Francisco receives the highest salary paid, \$4,000; the Principal of the Institution for the Deaf, Dumb, and Blind, is paid \$3,000; two Principals of High Schools, \$2,500; one High School Principal, \$2,100; one teacher, \$2,400; nine receive \$2,100; three, \$2,000; one, \$1,900; three, \$1,800; thirteen, \$1,500; two, \$1,400; making a total of 35 teachers who receive a salary of \$1,400, or more.

The highest salary paid to a female teacher is received by the Principal of the Lincoln Primary School, \$1,380; and the the next highest by Miss E. W. Houghton, Assistant in the State Normal School, \$1,300.

Eight male and thirteen female teachers are paid \$1,200 a year; four female teachers, \$1,080; thirty-two male and twelve female teachers, \$1,000 a year; making a total of 69 teachers who receive from \$1,000 to \$1,400 a year.

Six female teachers are employed at \$960 a year; and at \$900, six male and four female teachers.

Seventy-one female teachers are employed at \$810; and at \$800 a year, three male and six female teachers.

Three female teachers are employed at \$750 a year, and seven at \$600.

This schedule of salaries is encouraging to professional teachers. The people find that it is good economy to employ "professionals," even at high salaries.

As the amount of public money from taxation and the income of the School Fund increases, the salaries of teachers will be raised, and the number of schools which pay a fair compensation for teaching will be increased.

As the standard of teachers' certificates are raised, the wages of teachers will be raised.

This standard is in the hands of professional teachers. Will they do their duty?

It now remains for all true friends of a good system of public instruction to endeavor to secure free schools for ten months in the year, by increasing the rates of State and county school tax.

STATE EDUCATIONAL SOCIETY.

This society was organized in 1863, but in consequence of the limited number of members and the difficulty of assembling, but little more has been done than to continue its organization.

At the last State Institute, in May, 1867, 15 new members were admitted to the society, and arrangements were made for a meeting at the session of the next State Institute.

James Denman was elected President.

The following is the amended Constitution of the society, with a list of members.

CONSTITUTION OF THE CALIFORNIA EDUCATIONAL SOCIETY.

Preamble.

We, as teachers of California, in order to further the educational interests of the State, to give efficiency to our school system, to furnish a practical basis for united action among those devoted to the cause in which we are engaged, and for those purposes to elevate the office of teacher to its true rank among the professions, do hereby adopt the following

CONSTITUTION.

Name.

SECTION 1. This organization shall be known as the "California Educational Society."

Members.

SEC. 2. All holders of State Life Diplomas, or State Educational Diplomas, shall be eligible to membership on the recommendation of the Executive Committee, and the payment, in advance, of an admission fee of five dollars.

SEC. 3. Any member may be expelled for unprofessional conduct by a two thirds vote of members present at any regular meeting; *provided*, that a copy of the charges be deposited with the Recording Secretary at least four weeks before the meeting at which the charges are acted upon, and immediate notice thereof be given to the accused.

Officers.

SEC. 4. The officers of this society shall be: a President, two Vice-Presidents, a Corresponding Secretary, a Recording Secretary, and a Treasurer, who shall be elected by ballot at a regular annual meeting, and shall hold their offices for one year, or until their successors be chosen.

Duties of Officers.

SEC. 5. The duties of the President, Vice-President, Recording Secretary, and Treasurer, shall be the same as those usually devolving upon such officers. The duty of the Corresponding Secretary shall be to conduct the correspondence of the society under the direction of the Executive Committee.

SEC. 6. The Executive Committee shall consist of the President, Vice-Presidents, Recording Secretary, Corresponding Secretary, and Treasurer.

SEC. 7. There shall be an Examining Committee of three members, who shall be elected out of six members nominated for that purpose by the Executive Committee, the three nominees having the highest number of votes to be considered elected.

SEC. 8. It shall be the duty of the Executive Committee to manage the general business of the society, to examine the accounts of the Treasurer, and audit all claims upon the Treasury.

It shall be the duty of the Examining Committee to inquire into and determine upon the qualifications of candidates for membership.

Voting.

SEC. 9. All voting upon admission to the society, or upon matters pertaining to the provisions of this Constitution, shall be by ballot.

SEC. 10. A two thirds vote of members present at any regular meeting shall be sufficient to elect a candidate proposed by the Examining Committee.

SEC. 11. There shall be a regular annual meeting of the society at the annual session of the State Teachers' Institute, and special meetings may be called by the Executive Committee at any time during the year.

SEC. 12. No political or sectarian discussions shall be allowed in the meetings of this society.

Assessments.

SEC. 13. Assessments may be made from time to time, at any regular meeting, by a two thirds vote of the members present.

Diplomas.

SEC. 14. Every member of this society shall be entitled to a diploma, in such form as the Executive Committee shall decide upon.

SEC. 15. This Constitution may be amended by a two thirds vote of the members present at any regular annual meeting.

CALIFORNIA EDUCATIONAL SOCIETY.

Names of Members.

Name.	Residence.	Name.	Residence.
John C. Pelton.....	San Francisco	Sparrow Smith.....	.....Sacramento
Theo. Bradley... ..	San Francisco	George Tait.....	.....Oakland
Samuel I. C. Swezey	San Francisco	S. H. Goodrich.....	.....Placer
James Stratton.....	San Francisco	D. C. Stone.....	.....Marysville
John Swett.....	San Francisco	E. Rosseau.....	.....Sacramento
Thos. S. Myrick.....	San Francisco	E. D. Humphrey.....	San Francisco
Bernhard Marks.....	San Francisco	Dennis Townsend...	.....Fiddletown
Ahira Holmes.....	San Francisco	H. P. Stone.....	.....Soquel
Silas A. White.....	San Francisco	Alfred Higbie.....	.....Napa
T. C. Leonard.. ..	San Francisco	H. N. Nutting.....	Redwood City
H. P. Carlton.....	San Francisco	John Bagnall.....	.....Sacramento
Ellis H. Holmes.....	San Francisco	L. D. Allen	San Francisco
T. W. J. Holbrook..	San Francisco	Thomas Nicholson..	.....San José
J. D. Littlefield.....	San Francisco	Isaac Upham.....	.....Oroville
H. N. Bolander.....	San Francisco	Ambrose H. Randall	.....Stockton
Elkan Cohn.....	San Francisco	William White.....	.....San José
James Denman.....	San Francisco	H. D. Gough.....	.....Napa
E. Knowlton.....	San Francisco	J. M. Sibley.....	San Francisco
Wm. K. Rowell.....	San Francisco	F. R. Brown.....	.....lone City
George H. Peck.....	San Francisco	George Brown.....	.....Hornitas
Martin Kellogg.....	.....Oakland		

STATE TEACHERS' INSTITUTE.

A State Teachers' Institute was held in the City of San Francisco, May 7th to 11th, 1867, which was attended by five hundred and sixty-eight teachers. Addresses were delivered as follows: Address of Welcome—J. W. Winans, President of the San Francisco Board of Education; Educational Progress of California—John Swett, Superintendent of Public Instruction; Self-Improvement—D. C. Stone, Principal of Marysville Grammar School; The Teacher's Motive—Rev. C. G. Ames of Santa Cruz; The Teacher's Profession—Theodore Bradley, Principal of the Boys' High School, San Francisco; The Oldest Scholar—Ralph Kuler of San Francisco; Readiness—Rev. John E. Benton; Responsibilities of Teachers and Parents—William White, Principal of Watsonville Grammar School.

Prof. Wilkinson, Principal of the Institution for the Deaf and Dumb and the Blind, introduced a class of deaf mutes, and gave some exceedingly interesting exercises.

A class from the State Normal School gave an exercise in Lewis' system of Free Gymnastics, and in Physiology, illustrated by use of a mannikin. Discussions were held on various topics relating to schools. The forenoon of each day was devoted to visiting the various schools.

The following resolutions were unanimously adopted :

“ Resolved, That the thanks of this Institute be tendered to the following lines of travel, for their courtesy in issuing free return passes to the teachers of the State : The California Steam Navigation Company ; the agents of the Petaluma, Napa, Suisun, and San José steamers ; the Central Pacific Railroad Company, the Sacramento Valley Railroad Company, the Marysville and Oroville Railroad Company, the Placerville and Folsom Railroad Company, and the San Francisco and San José Railroad Company.

“ Resolved, That our recent visit to the public schools of this city has fully realized our previous opinion of their excellence in discipline, methods of instruction, and general management. This visit has been made agreeable by the courteous attention shown us by the teachers of the schools attended, and rendered no less profitable by the school exercises witnessed. The efficiency and popularity of these schools confer an enviable distinction on the teachers of San Francisco, and plainly exhibit the liberal and enlightened policy of its Board of Education, and the zeal and fidelity with which its executive officer, Superintendent Pelton, has discharged his official duties.

“ Resolved, That the members of this Institute consider Hooker's Physiology a work ill adapted to the wants of the schoolroom, and respectfully ask the State Board to substitute Cutter's Physiology on the list to be used in the schools of the State.

“ Resolved, That we entertain a lively appreciation of the liberality and enlightened spirit of our Legislature of 1865 in educational matters, as evinced in the enactment of the Revised School Law of California, and that great and very material benefit has already resulted therefrom to the interests of education in this State.

“ Resolved, That we rejoice to witness the rapid growth and improvement of our State Normal School, and that its graduates have already supplied various sections of the State with not a few skilful and successful teachers, and that its future enlargement and prosperity deeply concern the cause of education in this State.

“ Resolved, That whilst as teachers of public schools we are mainly interested in the operation, development, and results of the “ free school ” system, we yet fail not to recognize the superior advantages of collegiate instruction ; and that, regarding the college as a necessary adjunct of every well developed system of education, we sincerely hope the people of this State will, by liberal patronage and generous endowment, sustain and promote the interests of a few colleges already founded on this coast.

“ Resolved, That we look upon the official career of our able and energetic State Superintendent, the Hon. John Swett, with admiration ; that by the greatness of the results he has accomplished, by the wisdom of the measures he has inaugurated, by the conspicuous fairness and impartiality of his dealings with all who have business with the office of Public Instruction, and by the genuine integrity of his charac-

ter, he reflects honor upon the State which he serves so ably, and is eminently worthy of the continued confidence of the people of this State."

BOARD OF STATE NORMAL SCHOOL TRUSTEES.

The Board of State Normal School Trustees, which consists of the State Board of Education, with the exception of the Principal of the State Normal School, ex officio members, held its first meeting at the office of the Superintendent of Public Instruction, April 13th, 1866.

Mr. Minns having asked leave of absence, the following resolutions were unanimously adopted :

"*Resolved*, That George W. Minns, Principal of the State Normal School, agreeably to his request, be granted leave of absence for five months, after the first of July next, for the purpose of visiting the Eastern States.

"*Resolved*, That the thanks of the Board of State Normal School Trustees be tendered to Mr. George W. Minns for the able manner in which he has discharged the duties of Principal of the State Normal School during the past year, and that the Secretary of the Board be instructed to present him with a general letter of introduction to Eastern educators, expressive of their high appreciation of his educational services in this State during the past ten years."

During the absence of Mr. Minns, Mr. Carlton was elected Principal, Miss Houghton was promoted as teacher of the Junior Class, and Mrs. C. R. Beales was elected teacher of the Sub-Junior Class.

An Executive Committee, consisting of Messrs. Swett, Pelton, and Swezey, was elected by the Board, with power to transact all necessary business during the intervals of the meetings of the Board.

A committee was appointed to confer with the City Board of Education for the purpose of requesting the city to assume the payment of both assistants in the Training School.

At the third meeting, March, 1867, a communication was received from George W. Minns, tendering his resignation unless the salary was raised to \$3,000 per annum.

The resignation was accepted, and Mr. Carlton was elected Principal for the remainder of the school year.

At the fourth meeting of the Board, June, 1867, George Tait was unanimously elected Principal, and H. P. Carlton and Miss E. W. Houghton, assistants.

THE SCHOOL.

During the school year ending June, 1866, the school was well filled and eminently successful. The graduating class at the close of the term numbered twenty-two, and the success with which they have since been engaged in teaching has proved that they were all worthy of their diplomas.

Mr. Minns was the recipient from his pupils of a handsome service of silver plate, and the teachers of San Francisco presented him with a

gold watch and chain, as a mark of their esteem and a recognition of his valuable services in the cause of education.

During the last term of the school year ending June, 1867, the school was filled to its utmost capacity, the number of pupils at one time reaching 125.

The graduating class was a large one, and the closing exercises were of unusual interest, reflecting great credit on the Principal, H. P. Carlton. The diplomas were presented by Governor F. F. Low, and the address to the graduates was made by Bernhard Marks, Principal of the Spring Valley Grammar School.

The State Superintendent, in behalf of the Board, paid a high compliment to the teachers of the Normal School and of the Training School.

At the beginning of the school year, July, 1867, George Tait was elected Principal of the school by the unanimous vote of the Board of Trustees. Mr. Tait was for several years a Grammar Master in San Francisco, was four years City Superintendent of Public Schools, and was one of the earliest and warmest friends of the school. Both on account of his enlarged experience in school matters and his personal fitness for the position, the appointment was a fortunate one for the school.

Mr. H. P. Carlton, who had held the position as Principal during the year, in the absence of Mr. Minns, was elected as Assistant; Miss Houghton was re-elected as assistant, and the services of Mrs. Beales being no longer needed, she was elected by the City Board as first assistant in the girl's high school. In August the number of applicants was so great that it was found necessary to organize a fourth class in the new Training School building. This class was placed by the Executive Committee in charge of Mrs. M. L. Swett, who had previously been engaged in the Training School. This appointment was afterwards confirmed by the Board of Trustees.

COURSE OF STUDY.

The design of the Normal School is to provide well trained teachers for the common schools of the State.

More than nine tenths of the pupils since its organization have been young ladies, who desired to fit themselves to engage in teaching city primary schools, or ungraded country primary schools.

It has been my object, as the executive agent of the Board of Trustees, keeping these facts in view, to limit the course of study to the elementary branches, to require a large share of time to be devoted to practical work in the Training School, and to the study of methods of teaching, and thus to graduate on a fair standard of scholarship as many teachers as possible, fitted to engage in primary and ungraded schools.

Many of the young men and young women in the school have been struggling along to secure for themselves, and often for dependent parents, a livelihood by teaching. This has been an additional reason why the course of study has been kept down to a minimum.

The great demand in this State, is for good teachers in the lower grade public schools, and it is in these schools that good teachers are most needed to make the system efficient.

Skill in teaching, with average scholarship in studies, for the common schools, is more desirable than the highest scholarship without a knowledge of the practical methods to be pursued in the schoolroom.

The Revised School Law provides that the graduates of the Normal

School shall receive State certificates of a grade to be determined by the State Board of Examination. Under this provision, certificates have been awarded to graduates according to ability and scholarship—some receiving diplomas, some first grade, and others second and third grade certificates.

Five members of the last graduating class had taught school from one to three years previous to entering the school; their standing was high, and they received State educational diplomas which entitled them to teach as Principals of grammar schools. Six members of the class, whose standing was 80 per cent., received first grade certificates. Eleven received second grade; and nine, whose standing was from 70 to 75 per cent., received only third grade certificates, which entitled them to teach only in primary schools.

This seems to me to be a fair way of graduating pupils, according to ability and attainments.

I am not aware that it is pursued in any other normal school in the United States, but I feel confident it will be found the very best plan, even though it is without a precedent.

The percentage of a member of the graduating class is determined by taking into consideration the standing in recitation records during the term, the report of success in the Training School, and the result of the written examination at the close of the term.

For illustration: if the percentage in examination were 93, in term records of recitations 92, and in the Training School report 80, the average would be 90 per cent.

The following is the form of the face of a State Normal School diploma, and the "reverse" is also given, filled out for illustration with the standing of Miss Carrie M. Chase, who graduated at the head of her class, in June, 1867:

Form of a State Normal School Diploma.

No. —

NORMAL SCHOOL DIPLOMA.

State of California.

[Seal]

Department of Instruction.

MISS CARRIE M. CHASE, having completed the prescribed course of study, passed the requisite examination, and taught successfully in the Training School, is found entitled to receive this DIPLOMA OF GRADUATION from the Board of State Normal School Trustees, in accordance with the provisions of the Revised School Law.

San Francisco, June 3d, 1867.

FRED'K F. LOW,
Governor.
JOHN SWETT,
Sup't Public Instruction.
JOHN C. PELTON,
Sup't San Francisco.
F. W. HATCH,
Sup't Sacramento Co.
J. R. BRIERLY,
Sup't Santa Clara Co.
MELVILLE COTTE,
Sup't San Joaquin Co.
SAMUEL I. C. SWEZEY, Elected Member.
J. M. SIBLEY, Elected Member.

Board of S. N. S. Trustees.

H. P. CARLTON,
Principal.
ELIZA W. HOUGHTON,
Assistant.
MRS. C. R. BEALS,
Assistant.
MRS. C. H. STOUT,
Principal Training School.
MARY L. SWETT,
Assistant Training School.

Teachers S. N. School.

[Reverse.]

STANDING IN STUDIES.

	Percentage in written examinations..	Monthly standing for five months term...	Average of both.....		Percentage in written examinations..	Monthly standing for five months term...	Average of both.....
Arithmetic	84	.....	.....	Orthography	98	88	.....
Algebra.....	71	.....	.....	Defining.....	86	94	.....
Geography.....	92	.....	.....	Penmanship.....	100	97	.....
Grammar .....	.....	.....	.....	Botany	89	94	.....
History of United States	91	.....	.....	Elocution .....	.....	.....	.....
Rhetoric	95	.....	.....	School Law.....	100	.....	.....
Physiology	92	.....	.....	Calisthenics .....	.....	.....	.....
Natural philosophy.....	93	.....	.....	Map drawing.....	.....	.....	.....
Normal training.....	82	.....	.....		
Constitution of U. States	100	.....	.....	Total average.....	.....	.....	.....

Weeks.	1	2	3	4	5	6	7	8	9	10	11	12	Total Average.
Training School report..	85	89	93	100	100	Extra.		6					101

SUMMARY OF STANDING.

Percentage on term records.....	91	.....
Percentage on written examinations.....	93	.....
Percentage on Training School reports.....	101	.....
Average percentage of all three reports.....	95	.....
Whole number of the graduating class	30	.....
Standing in class	1	.....
Length of time in school	2 years.	.....
What class entered.....	Third.	.....
From what county	S. Fran.	.....

On the course of study for normal schools, the Board of Trustees of the Framingham (Mass.) Normal School make the following report :

"There was danger originally of attempting to make these schools into a class of superior high schools, where classes should be taught in branches which were not within the range of instruction in the common schools of the commonwealth. This has not been in accordance with the judgment of the undersigned visitors, nor have they encouraged such an idea in the school at Framingham. On the contrary, they have regarded the school as a seminary wherein young women were to be taught and trained to teach, in turn, the pupils in the primary and ordinary schools of the State; and that to do this, they must not only be made familiar with the elementary branches of instruction, but must learn how to make those whom they are to teach alike familiar with

these. It is of questionable utility, to say the least, to put children in charge of a teacher who cannot or will not do this. And inasmuch as the time assigned as the regular period of instruction in the normal schools is but two years, there can be but a limited opportunity, at best, to pursue the higher branches of education within so brief a period. If either, therefore, had to be sacrificed in any case, the visitors have been of opinion that it ought not to be the elementary branches. And they make this statement in justice to the school and its teachers, if any one should fail to find that proficiency in some of the higher departments of instruction which they might, at first thought, expect to find in a State institution. These schools, they repeat, are not high schools nor colleges, but are training schools, where earnest and ingenious young men and women may fit themselves, without charge for tuition, to supply that instruction which our common schools are designed to afford."

Ex-Governor Washburn, in an address before the same school, made the following remarks:

"For if it is their object to teach pupils how to teach, it is obvious that the things must first be taught to them which it will be, in turn, required of them to teach to others. If, therefore, it requires a whole two years' attention to these particular branches, and those immediately connected with them, to fit a pupil to become a teacher, it must, obviously, be unwise, to use no stronger term, to divert her attention and occupy her time upon others, however important they might otherwise be considered in the light of general culture. It would be wasting time, for instance, for her to attempt to master Greek or the higher mathematics, not because these are not important branches of education in themselves, but because she can only do this at the expense of what it is indispensable for her to know, if she hopes to succeed in the profession she has chosen. The remark applies to any language or accomplishment, the attainment of which requires the pupil to sacrifice any of the qualifications which are essential to success. Nor does the proposition lose any of its force although here and there there may be a pupil whose taste or superior advancement might seem to call for a more extended course of instruction. It is not possible to afford the extra instruction required in such a case, without taxing the teachers with an undue amount of labor, or doing injustice to the other pupils who are pursuing their regular course, or else adding to the present corps of instructors. The objection to the last is, that the public are not sufficiently educated to the importance of these schools to be willing to appropriate money whereby such extra teachers can be procured or paid. One important step has first to be gained, and that is to get the public up to the point of paying those who are already in the work. There is no class of labor so inadequately paid, if we regard its value and importance, as that of competent, well trained teachers of schools. The public mind is, we are happy to believe, in the process of being enlightened upon the subject, and every good teacher that goes into the field does something to bring sensibly before the people the miserable economy which refuses to provide a fair compensation for good instruction, merely because it is furnished by a woman, or because that of a poor quality can be had cheap. The true policy, therefore, in respect to the number of subjects to be studied in these normal schools, is to limit them to what can be fully, thoroughly, and accurately taught by such a corps of teachers as can be employed and reasonably paid."

COURSE OF STUDY, 1867.

THIRD CLASS.

Arithmetic.—"Eaton's Common School," to Percentage.

Eaton's Intellectual, complete.

Drill exercises on the slate and blackboard, in the elementary rules, five minutes a day. Particular attention given to neatness of blackboard work.

Geography.—Clarke's Geography, section relating to Pacific States. Use of the globe in primary schools, illustrated. Elementary map drawing for primary schools, illustrated. Exercises in local geography.

Grammar.—Greene's Introduction. Weekly extempore composition on topics assigned by the teacher in connection with object lessons.

Boyd's Rhetoric.—Second term.

History of United States.—Quackenbos', to Part Fourth.

Reading.—Willson's Fifth Reader, alternating with spelling. Daily drill of five minutes on the elementary sounds, from Willson's Charts, and vocal exercises as specified in the State course of study.

Penmanship.—Exercises in blank books, illustrating principles, twice a week, thirty minutes each time. Also, exercises on the blackboard by the whole class.

Drawing.—Exercises on blackboard in printing and drawing, twice a week, illustrating exercises suitable for primary schools.

Calisthenics and Gymnastics.—Use of Mason's Manual; daily exercise of five minutes; the pupils required to take turns in leading the class.

Object Teaching.—Sheldon's Elementary Instruction.

Moral Lessons.—Cowdery's Lessons, twice a week, conducted by pupils in rotation.

General Exercises.—Half an hour each day must be devoted exclusively to methods of teaching, and exercises relating to the State course of study for the sixth, fifth, and fourth grades, and to the State Training School.

JUNIOR CLASS.

Arithmetic.—Eaton's Common School, completed.

Algebra.—Robinson's Elementary, begun.

Grammar.—Quackenbos', begun. Exercises in extempore composition on assigned topics, once in two weeks. Exercises in writing, folding, and addressing a letter. Compositions on subjects selected by the pupils once a month.

Boyd's Rhetoric.

Geography.—Guyot's Common School. Exercises in map drawing, and use of the globe.

Physiology.—Hooker's, begun; second term.

History of United States.—Quackenbos', completed; first term.

Reading.—Russell's Vocal Culture, alternating with Willson's Speller. Vocal exercises adapted to the State course of study.

Methods of Teaching.—Half an hour daily to be devoted exclusively to the art of teaching. Sheldon's Elementary Instruction used as a text book. Page's Theory and Practice read in the second term. State course of study for third and second grades. Use of Willson's Charts.

Calisthenics.—Mason's Manual. Daily exercise of five minutes, conducted by pupils in rotation.

Penmanship.—Exercises on slate, blackboard, and paper, adapted to second and third grade classes.

SENIOR CLASS.

Arithmetic.—Eaton's Higher, alternating with Algebra.

Algebra.—Robinson's Elementary, alternating with Arithmetic.

Grammar.—Quackenbos'.

Rhetoric.—Boyd's.

Natural Philosophy—Quackenbos'.

Physiology.—Cutter's Larger, completed, and studied in connection with the manikin.

Botany.—Gray's, second term.

Normal Training.—Russell's.

Vocal Culture.—Russell's and Murdock's, completed, alternating with spelling.

Physical Geography.—Guyot's Wall Maps, second term.

Penmanship.—Twice a week.

Methods of Teaching.—State course of study. Rules and regulations. Use of State Registers. School Law. Half an hour each day to be devoted exclusively to methods of teaching, and school management.

General Exercises.—Select readings. Declamations and reading of compositions weekly, in each classroom on Friday, and monthly as a general exercise for the whole school. Exercises in free gymnastics, with dumb bells, rods, and rings, etc., daily, fifteen minutes.

Training School.—Pupils shall be detailed to teach in the Training School, one week at a time, in the following order: two from the Senior Class, and two from the Junior Class, detailed each week in alphabetical order.

Two pupils each day shall be detailed from the Sub-Junior Class to visit the Training School and observe methods of teaching. The Principal of the Normal School shall visit the Training School half an hour daily to observe the methods pursued by the pupil teachers.

The assistant teachers in the Normal School shall visit the training classes at least once a week, for a time not less than one hour each visit. The credits obtained in the Training School shall be kept by the Principal of the State Normal School in a record separate from the term record of the pupils, and shall form an important part of the graduating standard.

ANNUAL STATISTICS OF ATTENDANCE.

	1865-66.	1866-67.
Average number of female pupils.....	75.3	94.5
Average number of male pupils.....	9.3	12
Average number belonging.....	76.5	91.8
Average daily attendance.....	74.2	90
Percentage of attendance on average number belonging	.96	.98
Whole number of new pupils admitted.....	95	144
Whole number of departures.....	17	46
Average membership—Senior Class.....	26.5	34.8
Average membership—Junior Class.....	29.9	34.9
Average membership—Sub-Junior Class.....	29.5	37.2
Counties represented.....	18	19

THE TRAINING SCHOOL.

This is designed as a school of practice for the pupils of the Normal School.

As now organized it consists of six classes, embracing all the five grades of a primary school, and numbers 300 pupils. Six Normal School pupils are detailed alphabetically, each week, to take charge of the several classes.

Three superintending teachers are employed to instruct the pupil teachers in the discharge of their duties, and to attend to the general discipline and management of the school. At the end of each week the Principal of the school makes a written report to the Principal of the State Normal School concerning the standing and success of each pupil teacher.

The three superintending teachers—Mrs. Stout, Mrs. Cooke, and Miss Heydenfeldt—are paid by the city.

During one year the salary of one teacher was paid by the State Board on account of the limited funds of the City Department.

The preliminary training in the actual work of the schoolroom given in this school, is of very great value to the graduates of the Normal School.

The practical test here applied is so certain a measure of tact and ability that not a single teacher who has ever gone from the Normal School with a high standing in the Training School has failed to succeed in teaching.

The plan of instruction pursued in these classes is a judicious combination of the regular course in the city primary schools, and the Oswego system of object training.

Under the able management of the Principal, Mrs. C. H. Stout, the school has reached a high degree of efficiency, and it constitutes an independent part of the Normal School.

The following is the form of the weekly report which the pupil teachers are required to make to the Principal of the Normal School.

REPORT OF SUCCESS IN TEACHING.

	Credits Recei'd	Perfect Stand'd		Credits Recei'd	Perfect Stand'd
Punctuality.....		5	Ability to interest pupils.....		10
Neatness.....		5	Teaching manners and morals....		5
Thoroughness.....		10	Calisthenics.....		5
Energy.....		10	Tact in teaching		10
Government.....		20	Carefulness.....		10
Self-possession and manner.....		10			
			TOTAL CREDITS.....		100

STATE NORMAL TRAINING SCHOOL,
San Francisco, _____ 1867.

Principal of Training School.

Assistant of Training School.

PUPIL TEACHERS' METHODS.

Pupil teachers will give an abstract of copies and lessons assigned, and the methods which are actually pursued in teaching the following subjects:

1. Reading. 2. Spelling. 3. Numbers. 4. Printing, Drawing, and Penmanship. 5. Manners and Morals. 6. Object Lessons. 7. Discipline. 8. General Remarks.

PUPIL TEACHERS' REPORT OF CLASSES. .

The following are the lessons which have been recited, and the topics which have been taught, during the —— days the —— Grade Class has been under my instruction:

Reading. (Name the lesson and page of the Reader.)

Spelling. (Lesson and page of the Speller)

Printing, Drawing, and Writing. Moral Lessons. Object Lessons.

SPECIAL INSTRUCTIONS.

I. *Punctuality*.—You will be present in the schoolroom at fifteen minutes before the time of opening school. Your report must be filled out and presented to the Principal of the Training School on the Monday following the close of your week's teaching.

II. *Instruction*.—To become skilful in the art of teaching is the object that you should have in view in this department; hence, you should labor to excel in awakening an interest in your class, which shall secure excellence in scholarship, and animation in recitations. You must thoroughly master the course of study, and the printed or written instructions with which you are furnished. You should keep a note book, and enter everything important relating to the management of your class, the method of keeping records, and the verbal instructions of the superintending teachers.

III. *Manners*.—Be respectful to your superintending teachers, and kind and courteous to your pupils. Do not talk too much. Avoid a high pitch of voice. Be cheerful and animated, but never frivolous towards pupils or teachers.

IV. *Moral Influence*.—Seek to gain a power for good and noble purposes over the minds of your pupils. Teach them a love of truth, and a reverence for the Deity.

V. *Order*.—Secure and maintain order and attention, for without these your teaching will be a failure. Never scold or threaten. Reprimand with firmness, and report all insubordinate pupils to the superintending teachers. Allow no whispering, playing, eating, or chewing gum, in school hours. Allow no playthings in the hands of pupils.

VI. *Recitations*.—You should make special preparations for each recitation. Insist on the undivided attention of every pupil. Avoid prompting or assisting the pupils in their answers. Avoid leading questions. Insist on promptness and accuracy. You will have more power over your class in a standing posture. Be cheerful; be animated; be in earnest.

VII. *Thoroughness*.—Not how much, but how well.

Miscellaneous.—Keep your desk neat. Be correct in pronunciation, and in the use of language. Allow no paper to be thrown on the floor. A low, sweet voice, is music in the schoolroom.

NORMAL SCHOOL GRADUATES.

The tabular catalogue of graduates will show the present position in the school department of those now engaged in teaching.

Of the first graduating class, May, 1863, four young ladies, all engaged in teaching. Two of them, Miss Comstock and Miss Fink, are still teaching in the city schools. Miss Nellie Hart is married, and Miss Mails is dead.

Of the second class, 1864, 19 members, all engaged in teaching. Five of the young ladies are married, and the rest are teaching. Miss Annie Jewett, Miss Lizzie Jewett, Miss Susie Carey, and Miss Jennie Smith, have all distinguished themselves as superior teachers in the various positions which they have filled.

Mr. Ashbrook, the first young man who was graduated from the school, is engaged in teaching in Contra Costa County.

Of the third class, of nine members, all engaged in teaching, and all but two are still teaching. Mr. McBride has been for three years sub-master of the Washington Grammar School. Miss Carrie Field is head assistant of the Spring Valley Grammar School, and Miss Davis is a most successful primary teacher in the Fourth Street School.

The fourth class, June, 1865, numbered 14 members, all of whom engaged in teaching. Nine of these are now teaching in San Francisco, one is married, and one has gone to Oregon.

Of the fifth class, 11 members, 6 are teaching in San Francisco. Mr. Louttit is teaching a grammar school at Brooklyn, and has distinguished himself as a most promising young teacher.

The sixth class, June, 1866, numbered 22 members, all of whom engaged in teaching. Fourteen of these are now teaching in San Francisco. Silas A. White is Principal of the Shotwell Street School, and Ervin D. Humphrey, Principal of the Mission Grammar School.

Of the seventh class (31.) June, 1867, all engaged at once in teaching. Mr. Shipley engaged as teacher in the San Francisco Industrial School. Miss Heydenfeldt was employed in the Normal Training School, and the other members of the class are successfully engaged in teaching in different parts of the State.

Of the whole number of graduates, 110, 55 are now teaching in San Francisco. All but 13 are teaching, and have been teaching since their graduation.

REPORT OF THE EXPENDITURES OF THE STATE NORMAL SCHOOL.

Seventeenth fiscal year, 1865-6.

For what purpose expended.	Amount.
Appropriation for 17th fiscal year.....	\$8,000 00
Salary of George W. Minns.....	\$2,750 00
Salary of H. P. Carlton.....	2,050 00
Salary of Miss E. W. Houghton.....	1,330 00
Stationery, books, etc.....	178 40
Salary of assistant in Training School, for months of February, March, April, May, and June, 1867	425 00
Salary of assistant in Training School from Sep- tember 24, 1865, to January, 1866.....	270 00
For apparatus.....	60 00
Incidental expenses.....	387 75
	7,451 15
Balance of appropriation unexpended.....	\$548 85

REPORT OF THE EXPENDITURES OF THE STATE NORMAL SCHOOL.

Eighteenth fiscal year, 1866-7.

For what purpose expended.	Amount.
Unexpended balance of appropriation, 17th fiscal year.....	\$548 85
Appropriation for 18th fiscal year.....	8,000 00
	\$8,548 85
Salary of H. P. Carlton.....	\$2,500 00
Salary of Miss E. W. Houghton	1,300 00
Salary of Mrs. C. R. Beales.....	1,000 00
Salary of assistant in Training School	1,000 00
Bill of stationery and supplies.....	330 60
Bill of incidentals.....	364 70
Salary of Miss Mary Heydenfeldt.....	50 00
	6,545 30
Balance of appropriation unexpended.....	\$2,003 55

CATALOGUE OF THE GRADUATING CLASSES OF CALIFORNIA STATE NORMAL SCHOOL.

First Graduating Class, 1863.

Name.	From what county entered.	Present residence and position.
Comstock, Bertha.....	San Francisco.	.....Potrero School.
Fink, P. Augusta.....	San Francisco.	.....Spring Valley Primary.
Hart, Nellie.....	San Francisco.	.....Married.
Mails, Louisa	San Francisco.	.....Deceased.

TOTAL4.

Second Graduating Class, May, 1864.

Name.	From what county entered.	Present residence and position.
Ashbrook, M. V....	Solano .....	...Public School, Walnut Creek.
Baldwin, Ellen S.....	San Francisco..	.....Broadway Primary.
Beverly, Victoria.....	Santa Clara....	.....Married.
Carey, Susie D. L.....	Santa Clara.....	..Head Ass't Union Gram.. S. F.
Cummings, Clara A.....	San Francisco..	.....Union Primary.
Clayton, Julia.....	San Francisco..	.....Married; taught 1 year.
Day, Jennie O....	Santa Clara....	.....Married; taught 1 year.
Grant, Ellen G.....	Nevada .....	...Montgomery Street Primary.
Goldsmith, Mary.....	San Francisco..	.....Married; not teaching.
Jewett, Annie S.....	Santa Clara....	.....City School, San Francisco.
Jewett, Lizzie B.....	Santa Clara....	.....Lincoln Grammar School.
Krauth, M. Augusta	El Dorado.....	..Broadway Primary, San Fran.
Kimball, Adrianna L....	San Francisco..	.....Orphan Asylum.
Norton, Mary J.....	San Francisco..	.....Spring Valley Primary.
Smith, Jennie.....	San Francisco..	.....Tehama Street Primary.
Scott, Minnie.....	San Francisco..	.....Married.
Solomon, Eva.....	San Francisco..	.....Taught 1 year; married.
Wade, Margaret.....	San Francisco..	.....Rincon Grammar School.
Williams, Mary E	San Francisco..	.....Eighth Street Primary.

TOTAL.....19.

Third Graduating Class, December, 1864.

Name.	From what county entered.	Present residence and position.
Allyne, Lucinda.....	San Francisco..	.....Not teaching.
Broadbent, Elijah.....	Sierra.....	.....Grass Valley.
Bradshaw, Wm. R.	Placer.....	.....Monmouth, Oregon.
Davis, Sadie.....	San Francisco..	....Fourth Street Primary, S. F.
Field, Carrie P.....	Santa Cruz.....	.....Spring Valley Grammar.
Girvin, Minnie.....	San Francisco..	.....Married; not teaching.
Kennedy, Annie E.....	San Francisco..	.....El Dorado County.
McBride, H. E.....	Tulare.....	Sub-Master Washington Gram'r.
Sawyer, Philena.....	San Francisco..	.....Not teaching.

TOTAL.....9.

Fourth Graduating Class, June, 1865.

Name.	From what county entered.	Present residence and position.
Campbell, Cornelia E....	Sonoma .....	.....Cosmopolitan School, S. F.
Cameron, Augusta S.....	San Francisco..	...Rincon Primary School, S. F.
Gibbons, Anna.....	San Francisco..	Fourth St. Prim'y School, S. F.
Jordan, Maggie L.....	San Francisco..	Market St. Prim'y School, S. F.
Jourden, Annie M.....	San Francisco..	Market St. Prim'y School, S. F.
Littlefield, A. Nellie....	San Francisco..	..Lincoln Primary School, S. F.
Morgan, Florence A.....	San Francisco..	.....Married; never taught.
Menges, Caroline A.....	San Francisco..	.....Not teaching.
Mills, Sophronia.....	San Joaquin....	.....Married; not teaching.
Nichols, F. A. E.....	San Francisco..	.....Tehama Primary, S. F.
Pershin, George S.....	Humboldt .....	.....Oregon.
Perkins, Mary.....	Placer.....	.....Placer County.
Soulé, Fanny.....	San Francisco..	...Cosmopolitan, San Francisco.
Youngberg, Mary.....	San Francisco..	.....San José.

TOTAL.....14.

Fifth Graduating Class, December, 1865.

Name.	From what county entered.	Present residence and position.
Doud, Nettie.....	San Francisco..	.....Denman Grammar School.
Estabrook, Mary H.....	San Francisco..	Union Primary, San Francisco.
Frissell, Sarah A.....	San Francisco..	....Eighth Street Primary, S. F.
Greer, Jennie E.....	San Mateo.....	.....
Hall, Mary E.....	San Francisco..	.....Los Angeles County School.
Kennedy, Joseph F.....	Alameda.....	.....Mountain View Grammar.
Louittit, J. Alexander....	Calaveras.....	...Principal Brooklyn Grammar.
Megerle, Louis J.	San Joaquin....	.....University of the Pacific.
O'Conner, Maria.....	San Francisco..	Mission Grammar, San Francisco.
Pasco, Mary.....	San Francisco..	Tehama Primary, San Francisco.
Williams, Sabrina A.....	Yuba.....	.....Gone East.

TOTAL.....11.

Sixth Graduating Class, June, 1866.

Name.	From what county entered.	Present residence and position.
Carswell, Abbie A.....	San Francisco..	.....Stockton City School
Campbell, Amy E.....	San Francisco..	Greenwich Street Primary, S. F.
Flint, Almira T.....	San Francisco..	Denman Primary, San Francisco.
Garrison, Gazena A.....	San Francisco..	.....City School, San Francisco.
Gummer, Lillie E.....	San Francisco..	.....Denman Primary, S. F.
Humphrey, Ervin D.....	Solano.....	....Principal Mission Grammar.
Holmes, Annie M.....	San Francisco..	.....Lincoln School.
Morgan, Mary J.....	Sacramento....	.....Shotwell School.
Morgan, Lizzie A.....	Sacramento....	.....Tehama Primary.
Miller, Sarah E.....	San Francisco..	...Cosmopolitan, San Francisco.
Metcalf, Mary F.....	San Francisco..	.....San Felipe Public School.
Moulthrop, Mary S.....	San Francisco..	Rincon Primary, San Francisco.
Olinger, Abner F.....	Santa Cruz... ..	.....Napa County Public School.
Piper, Frances B... ..	San Francisco..	.....Not teaching.
Rogers, Arthur.....	Santa Clara....	.....Santa Clara County School.
Simon, Frances.....	San Francisco..	.....Spring Valley Grammar.
Soulé, Maria L.....	Placer.....	.....Teaching Private School.
Stephenson, Charlotte F.	Sacramento....	.....Married; teaching.
Trowbridge, Nelson S...	Amador.....	.....Public School.
White, Elizabeth.....	San Francisco..	.....City School.
White, Silas A.....	San Francisco..	... Prin. Shotwell St. School, S. F.
York, Elizabeth.....	San Francisco..	...Cosmopolitan, San Francisco.

TOTAL.....22.

Seventh Graduating Class, June, 1867.

Name.	From what county entered.	Present residence and position.
Ashley, Julia V. (D).....	Contra Costa...	.....Pacheco Public School.
Anderson, Sarah E. (3)...	San Francisco..	Primary School, San Francisco.
Bevans, Maggie E. (1)...	San Francisco..	Primary School, San Francisco.
Bigsby, Emma (2).....	Sonoma.....	.....Public School.
Beers, Adrianna L. (3)...	San Francisco..	.....City School.
Chase, Carrie M. (1).....	San Francisco..	.....San José Institute.
Childs, Charles W. (D)...	El Dorado.....	.....County Sup't, El Dorado.
Chapman E. Mattie (2)...	Sonoma.....	.....Public School.
Clayton, Kate J. (2).....	San Francisco..	.....Santa Clara Public School.
Clark, Mary P. (3).....	Alameda.....	.....Public School.
Estabrook, Hattie J. (2)...	San Francisco..	....Fourth Street Primary, S. F.
Featherly, Henrietta (2)	San Francisco..	.....San Bruno School.
Gaddis, Annie D. (3).....	Yolo.....	.....Woodland Public School.
Germain, Clara (2).....	Contra Costa ..	.....Pacheco Public School.
Gray, Anna L. (2).....	San Francisco..	....Cosmopolitan, San Francisco.
Hart, Mary T. (1).....	El Dorado.....	.....Married; not teaching.
Heydenfeldt, Mary G. (2)	San Francisco..	.....Training School.
Harvey, Ella M. (3).....	Alameda .....	.....
Kennedy, James G. (D)...	Santa Clara.....	.....County School.
Lewis, Clælia M. (1).....	San Francisco..	.....Private School.
Locke, Hattie B. (3).....	San Francisco..	.....
Newell, Lissie A. (3)	Sonoma.....	.....County School.
Owens, Nellie M. (1).....	San Francisco..	.....Brooklyn Public School.
O'Brien, Kate (3).....	San Francisco..	.....Rio Vista.
Powell, Howell (D).....	Yuba.....	.....Clayton Public School.
Roberts, Ella A. (2)	El Dorado.....	.....
Smith, Flora C. (1).....	San Francisco..	.....Public School, Alameda.
Smith, Grace (2).....	San Francisco..	....Cosmopolitan, San Francisco.
Shipley, John C. (D).....	Sonoma.....	.....Assistant Industrial School.
Wright, Ada E. (2)	San Francisco..	.....
Wooll, Hattie L. (3).....	San Francisco..	.....Shotwell Street Primary.

TOTAL.....31.

(D) Diploma. (1) 1st Grade Certificates. (2) 2nd Grade Certificates. (3) 3d Grade Certificates

Eighth Graduating Class, November 29th, 1867.

Numbers.....	GRADUATES.	Training School report.....	Term examina- tion.....	Final examina- tion.....	Average total...
1	Mrs. Ada E. Wright, San Francisco*.....	96	94	86	92
2	Mr. R. Eames, Santa Cruz County*.....	88	95	88	90
3	Miss Roxa S. Cocks, San Francisco*.....	95	83	84	87
3	Miss Henrietta Slater, Sacramento.....	93	89	80	87
3	Miss Marion Sears*.....	90	90	83	87
4	Mr. B. E. Hunt, Solano*.....	89	83	82	85
5	Miss Mary E. Savage, San Francisco†.....	84	86	83	84
5	Mr. C. L. McNaughton, El Dorado*.....	71	97	84	84
6	Miss Mary Perkins, San Francisco†.....	92	80	78	83
7	Miss Martha Lawless, San Francisco†.....	94	80	73	82
8	Miss Maggie Howard, San Francisco†.....	94	79	68	80

* Received 1st Grade State Certificates. † Received 2d Grade State Certificates.

NATIONAL LINCOLN MONUMENT SUBSCRIPTION.

The Superintendent of Public Instruction, having received a circular letter from Hon. Newton Bateman, Superintendent of Public Instruction, State of Illinois, soliciting a contribution from the school children of California for the National Lincoln Monument, issued the following circular to the school officers and teachers of California :

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC INSTRUCTION, }
San Francisco, December 1st, 1865. }

Circular to County Superintendents, City Superintendents, Public School Trustees, Teachers, and Pupils of the Public Schools in the State of California :

The August number of the *California Teacher*, the official organ of the department, published in full an official circular from the Hon. Newton Bateman, Superintendent of Public Instruction of the State of Illinois, inviting the public schools to join in a national contribution of the public schools of the Union, for the purpose of erecting a national monument to the memory of Abraham Lincoln. For various reasons it was thought advisable not to propose any plan of organization in this State until after the meeting of the State Teachers' Institute, in September. By resolution of that Institute the subject was referred to the State Superintendent, to recommend some plan of securing subscriptions.

To the eloquent circular of Mr. Bateman, I need add nothing except that the measure meets my heartiest approbation, and that I am confi-

dent both teachers and pupils will feel it a patriotic privilege to unite in honoring the memory of the great man so dear to the American people.

The general plan proposed is expressed by the following extracts from the circular mentioned :

"At a meeting of the National Lincoln Monument Association, held in the City of Springfield, Illinois, on the 9th May, it was unanimously resolved that the teachers and pupils of the public schools in the United States be cordially invited and earnestly requested to participate in the movement now on foot to erect in this city a National Monument to the memory of Abraham Lincoln, late President of the United States, and that donations and contributions be made for that object on the first Tuesday in June, 1865, or so soon thereafter as practicable, by all the public schools of the country ; and at a meeting of the association, held on the 11th of May, the undersigned was authorized and directed, as Superintendent of Public Instruction, to take the necessary steps to carry into effect the foregoing resolution, and to communicate the views and wishes of the association to those connected with public education throughout the Union.

"The honor of the State of Illinois is pledged for the faithful application of every dollar contributed to this sacred fund, in accordance with the wishes of the donors. His Excellency, Richard J. Oglesby, the Governor of the State, is President of the association ; Hon. James H. Beveridge, State Treasurer, is the Treasurer of the association, and the other State officers are members. The other corporators are among the most distinguished citizens of the State. In addition to this, the association is a corporate body, having organized in strict conformity with the forms of law, and the Treasurer is under adequate bonds for the faithful discharge of his duties.

"It seems especially fit that the *public schools* of the Union should bear an honorable part in this grand demonstration of respect to the memory of Mr. Lincoln. He was emphatically the *friend of the people*, from whom he rose, and among whom was his own early lowly home. And it is for the people, not for a class or caste, not for a privileged few, but for the toiling millions, for the whole people, that common schools exist in the United States. They are the people's colleges, a prime necessity of a republican government, and as Mr. Lincoln once said to the writer, 'The mightiest enemy on earth to despotism and tyrannies of every name.' At another time, after his first election to the presidency, he said to me : 'Look well to the public schools ; they can do more than I for the safety of the Union.'

"This great and good man has gone to his rest ; his work is done ; he saved the republic, and his ashes repose in the great State which he loved so well, and which ever delighted to trust and honor him. And now let there rise to his memory on the spot where sleeps his hallowed dust, a monumental column that shall fitly symbolize by its chaste and simple design, its august proportions, its majestic beauty, and its towering height and solid grandeur, the nation's regard for the spotless integrity, illustrious public services, unflinching heroism, and imperishable fame of her murdered and martyred President, Abraham Lincoln."

I recommend the following plan of action by the public schools of this State :

Let all the subscriptions by public school children be limited to ONE DIME, so that the poorest child may be able to contribute as much as the

richest, and that no envious feelings be excited by the amount contributed. Abraham Lincoln was a man of the people, and let the children of the people share equally in honoring his memory. The object of the contribution is not so much to secure money, as to touch the chords of patriotism, by honoring the memory of one who served his country with so true a purpose and so sublime a faith. Let the names of all school children who contribute ten cents for the fund, be enrolled on a page of the "General Record" of the *State School Register*, under the heading "Subscribers to the National Lincoln Monument."

Let the teachers contribute whatever sum they may choose to give. It is hoped that most who hold "State Diplomas" will secure a life-membership certificate by contributing the sum of ten dollars in national currency. It is desirable that subscriptions be taken in schools which are now in session during the month of December.

Teachers will enter on the State School Registers the amount contributed, and forward the money to their County or City Superintendent, who will give a receipt for the amount and enter the same on a record to be preserved in his office. During the month of January the County Superintendent will forward all sums so received to the Superintendent of Public Instruction, with the name of each school contributing, the name of the teacher, and amount raised. All sums received by the State Superintendent, will be acknowledged in the pages of the *California Teacher*.

The Superintendent of Public Instruction of the State will forward the contribution of California to the State Superintendent of Illinois, who will see that credit is given on the official records of the association, and that proper recognition is furnished under seal of the association by certificate, diploma, or otherwise.

This plan is submitted to the teachers and school officers of California, with the hope that it may meet their general approval. Let the teachers be interested, and a great majority of the school children of this State may have the proud satisfaction of uniting with the great army of three millions of public school children on the other side of the continent in honoring the illustrious dead.

The year which is soon to close has brought peace to the nation, prosperity to the people, and a stronger faith in our American system of free schools; in what more appropriate manner can we manifest our gratitude than by uniting to do honor to the memory of a man, the influence of whose life and character in favor of human rights has been so mighty in our land, and which will be felt as a great power in all future time, through the whole civilized world?

JOHN SWETT,
Superintendent of Public Instruction.

On the 30th of October, 1866, subscriptions had been received, as shown by the following tabular statement, by counties.

In the office of the State Superintendent is a record book, showing the name of each school district and teacher, and the amount contributed; and as all subscriptions have been acknowledged in the pages of the *California Teacher*, it is sufficient for this report to give the amount of contributions by counties:

NATIONAL LINCOLN MONUMENT SUBSCRIPTION.

Counties.	Amount received in coin.	Amount received in currency.	Counties.	Amount received in coin.	Amount received in currency.
Alameda.....	\$ 18 95	\$ 5 00	Brought forward....	\$1,044 61	\$148 00
Amador	34 20	10 00	Tehama.....	4 80	.....
Butte	25 80	.....	Trinity	24 50	.....
Calaveras.....	18 65	.....	Tulare.....	6 00	.....
Colusa.....	4 50	.....	Yolo.....	3 00	.....
Contra Costa.....	27 50	.....	Yuba.....	6 00	.....
El Dorado.....	15 50	14 00	Total.....	\$1,088 91	\$148 00
Humboldt.....	22 25	.....	<i>Individual subscript'ns</i>		
Lassen .....	.....	7 00	Mr. Low.....		10 00
Mariposa.....	3 00	5 00	Ira G. Hoitt.....		10 00
Napa.....	5 00	.....	Miss H. Hatch.....		10 00
Placer.....	6 00	.....	John Bagnall.....		10 00
Sacramento.....	147 40	2 00	John Swett.....		10 00
San Francisco..	474 95	100 00	S. H. Jackman.....		2 50
San Joaquin.....	64 70	.....	Total.....		\$ 52 50
San Luis Obispo.....	6 10	.....	Currency bro't forw'd..		148 00
Santa Barbara..	5 60	.....	Total currency.....		\$200 50
Santa Clara.....	93 26	.....	Total coin.....	\$1,088 91	
Santa Cruz.....	29 10	5 00			
Sierra.....	24 55	.....		
Solano.....	17 60	.....		
Carried forward.....	\$1,044 61	148 00			

On the 30th of October, a bill of exchange on Messrs. Lees & Waller, New York, in favor of Newton Bateman, State Superintendent of Illinois, was purchased with the contributions in gold, \$1,089, for the sum of \$1,521 46, in currency. Another currency draft for \$200 50 has since been forwarded to Newton Bateman, making a total of \$1,721 96, the amount of the dime subscription of the school children of California for this noble object.

The following is the correspondence acknowledging the receipt of the money forwarded :

\$1,521 46.

TREASURER'S OFFICE, NATIONAL LINCOLN MONUMENT ASSOCIATION, }
Springfield, Illinois, November 23d, 1866. }

Received from Hon. John Swett, per Hon. N. Bateman, fifteen hundred and twenty-one dollars and forty-six cents, contributed by the public school children of the State of California to the funds of said association.

J. H. BEVERIDGE, Treasurer.

Countersigned by O. M. HATCH, Secretary.

STATE OF ILLINOIS, DEPARTMENT OF PUBLIC INSTRUCTION, }
Superintendent's Office, Springfield, Nov. 23d, 1866. }

Hon. John Swett, Superintendent Public Instruction, San Francisco, Cal.:

DEAR SIR:—I have just had the honor to receive your communication of the thirtieth ultimo, with Bank of California's exchange (3,751) on Messrs. Lees and Waller, New York, for fifteen hundred and twenty-one

dollars and forty-six cents, currency, being amount of contributions of the public school children of the State of California for the "National Lincoln Monument Association." Herewith please find the receipt of Hon. James H. Beveridge, Treasurer of said association, and countersigned by Hon. O. M. Hatch, Secretary. I cannot close this letter of acknowledgment without expressing to you the deep sense of obligation and gratitude entertained by the entire association towards you for your earnest, disinterested, and patriotic efforts in behalf of the enterprise which we have in view. And I beg that you will accept for yourself and all who have co-operated with you in this labor of love and patriotism, and especially to the dear school children of California, who have so touchingly testified their love for Abraham Lincoln, the sincere thanks of the association, and, I may say, of the whole loyal people of Illinois.

I am, dear sir, very truly yours,

NEWTON BATEMAN,

Sup't Public Instruction, and member N. L. M. Association.

\$200 50.

TREASURER'S OFFICE, NATIONAL LINCOLN MONUMENT ASSOCIATION, }
Springfield, Illinois, December 5th, 1866. }

Received from Hon. John Swett, per Hon. Newton Bateman, two hundred dollars and fifty cents, contributed by children of the public schools of California, to the funds of said association.

J. H. BEVERIDGE, Treasurer.

Countersigned by O. M. HATCH, Secretary.

STATE OF ILLINOIS, DEPARTMENT OF PUBLIC INSTRUCTION, }
Superintendent's Office, Springfield, Dec. 8th, 1866. }

Hon. John Swett, Superintendent Public Instruction, San Francisco, Cal :

DEAR SIR :—I have had the honor to receive your communication of the ninth ultimo, with exchange of Bank of California (3,753) on Messrs. Lees and Waller, New York, for two hundred dollars, currency, and fifty cents, postal currency, being balance of amount of contributions of the public school children of the State of California for the "National Lincoln Monument Association." Herewith please find the receipt of Hon. James H. Beveridge, Treasurer of said association, countersigned by Hon. O. M. Hatch, Secretary.

The original of draft 3,731, for \$1,521 46, was duly received and acknowledged on the twenty-third ultimo.

Very truly yours,

NEWTON BATEMAN,

Sup't Public Instruction, and member N. L. M. Association.

A supplemental subscription of \$42 50 was forwarded at a later date, for which no receipt has yet been received.

AGRICULTURAL COLLEGE.

The few brief hours of closing this report allow only an allusion to the establishment of the institution. In fact, the contemplated action of the Commissioners renders it unnecessary. In my last report I made the following remarks:

While I appreciate fully the advantages of higher public institutions of learning, I feel called upon in behalf of the common schools of the State, to enter my earnest protest against burdening the State with the support of a university until she has established a system of free public schools, which shall extend to all her children the advantages of an elementary education. The highest good of the greatest number is the foundation principle of our educational system, as well as of our Government. When the State has provided for every child the means of a common education, then let high schools and State universities be established; and until then, let private institutions and colleges already established furnish the means of a higher education.

The State last year, for the first time, gave every child the right of a *free school*, and now, with some propriety, may proceed to endow a State university. I also recommended connecting the school with some existing institution, instead of locating it in some remote rural district as a farm school, to yield nothing to the State but a crop of mammoth bills. For the purpose of information, I quote from Bateman's Illinois report a condensed statement of the disposition of the agricultural college grants made by the several States:

New Hampshire.—This State has, with the proceeds of the land scrip, established agricultural and mechanical departments in connection with 'Dartmouth College.'

Vermont.—The proceeds of the grant were turned over to the 'University of Vermont,' an existing institution, located at Burlington, under an Act of the Legislature establishing it as the 'University of Vermont and State Agricultural College.' The institution was placed, to a large extent, under the control of the Legislature, and new courses of study, embracing such branches as were contemplated by the Act of Congress, were added to the already existing classical department.

Massachusetts.—This State has founded a separate and independent institution, entitled the 'Massachusetts Agricultural College,' (Chapter 220, Acts of 1863.) The Trustees have purchased a valuable tract of land in the valley of the Connecticut, the best agricultural region of the State, and expect to be ready to receive students next September. To this college *two thirds* of the avails of the United States land scrip have been appropriated. Provision is made for giving instruction in mechanical science in the 'Institution of Technology,' recently founded in Boston, and to this the remaining *one third* of the avails of said scrip is appropriated.

Rhode Island.—This was the first State having no public lands within its limits, which accepted the grant of land made by the United States; it accepted it at the January session, 1863, and on the 23d day of said January, assigned the same to 'Brown University,' located in the City of Providence, on condition of the Trustees establishing and maintaining in connection with said University a 'college, or department, the leading

object of which shall be, without excluding other scientific and classic studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.' No portion of the income arising can be applied to the erecting or repairing of buildings, but one tenth may be applied to the purchase of an experimental farm. Subject to this proviso, the college agrees to educate scholars at the rate of \$100 each per annum, to the extent of the entire annual income from said proceeds. The Governor and Secretary of State, in conjunction with the President of the College, to have the right of nomination; and said scholars to be also entitled to admission to the regular classes of the University.

Connecticut.—The proceeds of the grant were, by an Act of the Legislature, approved June 24th, 1863, turned over to the corporation of 'Yale College,' to be devoted exclusively to the maintenance, in that department of said institution known as the 'Sheffield Scientific School,' of such courses of instruction (including the courses of instruction already instituted in said school) as shall carry out the intent of the Act of Congress in the manner prescribed by the fourth section of said Act. A brief supplementary Act was passed by the Legislature in 1865, which directs the Commissioner of the School Fund to expend the Agricultural Fund in the purchase of Connecticut State Bonds, which shall be indorsed 'Agricultural Bonds,' and shall not be transferable. The interest (six per cent.) he shall pay semi-annually to the corporation of Yale College, for the sole benefit of the school. The scrip has realized \$135,000, and its dividend is \$8,100 annually. Governor Hawley says: 'What might be the wisest course in a great State like yours, (Illinois,) where the avails of the fund are much larger, I cannot say, but we are entirely satisfied that we have taken the wisest course. The Sheffield Scientific School, being a cherished branch of Yale College, has all the strength that institution can give it, and was, before this aid was extended to it, very nearly such an institution as Congress intended to establish. While the school is flourishing—having about one hundred pupils this winter—there are not applications enough to take up the free scholarships which the State has in its gift. The number is, however, increasing.'

New York.—By the Act, (Chapter 481, Laws of 1866,) the proceeds of the college land scrip donated by Congress to the State, were appropriated to the sole benefit of the 'Cornell University,' an institution to which its munificent founder, Hon. Ezra Cornell, had already given the sum of \$500,000. By the terms of the arrangement, the net proceeds of the sale of the lands, after paying the expenses of location and management, are to be paid into the Treasury of the State, to form a Permanent Trust Fund, the principal to remain unimpaired, the interest to be devoted to the benefit of the institution named.

New Jersey.—The grant was accepted by this State, by an Act approved March 21st, 1863, and in April, 1864, an Act was passed providing for Commissioners of the 'Agricultural College Fund,' in pursuance of the Act of Congress. The scrip for the land was received by the Commissioners, viz: the Governor, State Treasurer, Attorney-General, Secretary of State, and Controller, and was sold by them at fifty cents per acre, and the proceeds have been duly invested. The income derived from the proceeds of the sale of the scrip is made payable to the 'Trustees of 'Rutger's College,' at New Brunswick, an old and successful institution, by an Act approved April 4th, 1864, which, among other things, provides that said Trustees shall devote said interest wholly and

exclusively to the maintenance, in that department of Rutger's College known as 'Rutger's Scientific School,' of such courses of instruction as (including the courses of instruction already established by said Trustees) shall carry out the intent of said Act of Congress in the manner specially prescribed by the fourth section of said Act.*

"Pennsylvania.—On the first day of April, 1863, an Act of the Legislature was passed, accepting the grant of public lands by the United States to the several States for the endowment of agricultural colleges. The Surveyor-General of Pennsylvania was by said Act directed to receive and dispose of the scrip, under such regulations as a Board of Commissioners, consisting of the Governor, Auditor-General, and Surveyor-General, should prescribe, and invest the proceeds in State stocks. Until otherwise ordered by the Legislature, the annual interest accruing from such investments are directed to be appropriated to the 'Agricultural College of Pennsylvania,' for the endowment, support, and maintenance of said institution, which was then and is now in full and successful operation, being located near Bellefonte, in Centre County. Its leading object is, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts. A supplement to said Act, approved April 11th, 1866, specially authorized the sale of one third of the scrip, which has been done, and the proceeds invested as directed in the foregoing Act of 1863, and for the purpose therein indicated.

"Ohio.—No final determination has yet been made by the Legislature of this State in regard to the mode of disposing of the Agricultural Land Grant Fund. There has seemed to be a disposition to wait until the scrip is sold and the cash realized, before deciding the question; but the sale having been completed, there is no doubt that final action will be taken at the present session of the General Assembly. 'It is impossible to predict whether the fund will be turned over to some existing institution, or whether a separate and independent institution will be established, as both modes of disposal have their ardent supporters in the Legislature.'

"Indiana.—This State has not yet disposed of a single acre of her scrip. The Board of Trustees await the action of the Legislature, to have the law amended in several particulars, before offering the scrip for sale. It is also proposed that a committee of the Legislature shall be appointed to confer with the Board, to determine the best course to pursue. It is not yet decided whether they will locate and establish a new college, or donate to existing institutions.

"Iowa.—'The proceeds of the grant have been devoted exclusively to one institution for the education of farmers and their sons, in accordance with the terms contemplated in the Act of Congress. No academical institutions have shared in the fund. An agricultural building is in the course of construction.'

* "THE NEW JERSEY STATE AGRICULTURAL COLLEGE.—This institution is really a department or special course in the scientific school of Rutger's College, New Brunswick. The Newark *Evening Courier* gives the following information about its present condition; There are now two classes following the course of study recommended by the faculty. The first class have studied the elementary principles of chemistry, and have been exercised in the laboratory in analysis with the blow-pipe. The instruction of the pupils of the college in military tactics, required by law, was begun in September, the department being under the care of Colonel Josiah H. Kellogg, of the regular army, who holds the appointment of Professor of Civil Engineering and Military Superintendent. Unusual wisdom was shown in putting the College Fund at once into practical operation through an established institution, instead of attempting to found a new school. The prospects for its future are very promising."

“Missouri.—In this State, the Commissioners have just finished the selection of the 330,000 acres of land to which it is entitled under the grant. It has all been selected within the limits of the State. The Legislature has taken no action as yet as to the disposition of the land, or the establishment of the college.

“Michigan.—In this State, an Agricultural College had been established, near Lansing, before the grant was made (in 1855.) and consequently the land grant became merely an endowment of that institution. The lands have been selected within the State limits, and the minimum price fixed at twenty shillings per acre. This institution is in successful operation, having in 1866 one hundred and eight students. The college farm contains six hundred and seventy-six acres. Students are required to labor three hours per day, under the direction of the faculty, for which labor they receive pay. The tuition is free to the citizens of Michigan, and twenty dollars a year to all others.

“Wisconsin.—The fund derived from the congressional grant has been bestowed upon the University of Wisconsin, which has been re-organized and now embraces the college of arts and the college of letters, to which professional and other colleges may be added from time to time. The government of the university vests in a Board of Regents, consisting of fifteen members, two from each congressional district in the State, and three from the State at large, who are appointed by the Governor. One suitably qualified pupil from each assembly district, to be nominated by the representative of such district in the Legislature of the State, (preference being given to an orphan of a soldier who has died in defence of his country,) is entitled to free tuition in all the colleges of the university. To enable the Board of Regents to purchase lands in the vicinity of the university for an experimental farm, and to improve the same, the Board of Supervisors of Dane County are authorized to issue the bonds of said county to the amount of \$40,000.

“Minnesota.—The only action of the Legislature of this State on the subject has been to locate the college for which the grant was made, to constitute a Board of Trustees, and provide a course of study. No steps have been taken to erect a building or open the institution. The action of the Legislature establishes a separate institution, independent of any other college or institution.

“An analysis of the foregoing historical statement shows that nine States, viz: New Hampshire, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Michigan, and Wisconsin, have donated the proceeds of the United States land grant to existing institutions; that three States, viz: Massachusetts, Iowa, and Minnesota, have established separate and independent colleges; and that three States, viz: Ohio, Indiana, and Missouri, have not yet taken any final action. It will also be seen that two States, viz: Pennsylvania and Michigan, had State Agricultural Colleges already in operation, so that the proceeds of the grant merely served to increase their endowments, and new institutions were not called for. And it will further be noticed that in one State, Massachusetts, the fund has been divided, two thirds of the income going in that State to the Agricultural College, and the other one third to the ‘Institution of Technology,’ in Boston.”

THE AMERICAN SYSTEM OF PUBLIC INSTRUCTION.

It was my intention to devote the closing pages of this report to a statement of the leading objects of our system of public instruction; but the delay of county reports, and the accumulation of duties incident upon closing up the business of my term of office, have rendered it utterly impossible. I cannot, however, forbear quoting at length from the last biennial report of Newton Bateman, of Illinois, in which I find, clothed in eloquent and glowing language, ideas which cannot fail to be of value to all thoughtful men.

“Old truths need often to be restated and re-argued- Radical distinctions, unless frequently re-affirmed, lose the clearness of their original demarcation, and the strongest convictions gradually fade from the minds of men, unless the supporting evidence is occasionally presented afresh. Popular education, including its theory, methods, necessity, and characteristics, forms no exception to the rule; even its most essential principles need the ‘line upon line’ of statement and discussion, and its pressing claims upon the attention of the people, together with the danger of fatal errors, the ‘precept upon precept’ of admonition and warning.

“A fresh survey of the field of public education, of the grounds of its claims to the regard of Christian patriots and statesmen, and the leading characteristics by which it should be distinguished, is rendered especially appropriate at this time, by the amazing growth and expansion of the common school systems of the Northern States, and by the necessity and opportunity so suddenly and wonderfully presented of establishing the same or similar systems throughout the broad and beautiful lands and amongst the disenthralled and waiting millions of the South. Whether, therefore, we contemplate the prodigious vigor and power of existing free schools and free school systems, or the extent and moral magnificence of the new fields where they must immediately be planted, the subject is one of profound interest. It is so because of the direct and enormous influence of public schools upon the great body of the people. Ubiquitous, hundred-handed, myriad-voiced, they are lifting these northern commonwealths to a higher plane of intelligence and power; and if pervaded in due measure by moral and religious elements, they will soon work out the problem of republican liberty, and invite the gaze of the nations to the grandest type of Christian civilization that the world has ever beheld.

“At what should a State aim in devising and carrying out a system of free public education? Should it not be, comprehensively, to insure and perpetuate its own truest and grandest life? But in what does the noblest life of a State consist? In what, viewed as the aggregate of its constituent citizens, but the same elements that constitute the highest development of the individual man? And what are they? Virtue, intelligence, skill, fidelity, obedience, courage, self-reliance, industry, perseverance, and the maximum of physical health and strength.

“Virtue, or moral goodness, because it is the foundation of all right character, and the only assurance that the powers conferred by education will not be perverted to bad or destructive ends. The Bible teaches that ‘the fear of God is the *beginning of wisdom*,’ and all history and experience confirm the declaration. Intelligence, or understanding, that the forces of life and nature may be comprehended, grasped, and made

subservient to the will. Skill, or familiar knowledge united with dexterity of execution, in order that the powers of art and science may be readily and effectively applied to practical purposes. Fidelity, or a careful and exact observance of duty, as the essential ground of confidence, that trusts reposed will be loyally kept and obligations assumed faithfully performed. Obedience, or submission to lawful authority, because without this there can be no order or government, divine or human, and because those only are fit to command who have first learned to obey. Courage, so that dangers and difficulties may be fearlessly and firmly encountered, and sufferings endured with manly fortitude. Self-reliance, without which the emergencies of life and the vicissitudes of fortune cannot be successfully battled with. Industry, because it is the touchstone of success, the ordinance of God, and the secret of happiness. Perseverance, because it is better than genius, surer than fortune, stronger than impulse: the lumbering tortoise that in the end outstrips the nimble hare; and a sound and vigorous body, because without it all the rest will be but the precious freight of a decayed and staggering ship which the first tempest will send to the bottom forever.

“Possessed of these elements, does not a man *truly live*; is he not noble, full of ready and stalwart power? And when the State, the body politic, is composed of such men, is not its highest life, its strength, and grandeur, and glory, an assured thing? Can such a State decay or die? Will not fresh tides of mental, moral, and physical vigor perpetually flow into the heart of such a State, and be thrown back again with mighty arterial throbs vitalizing the remotest extremities? How firm the step, how magnificent the march of such a State to greatness and power. Every man and woman a worker in some field of mind, of nature, or of art; not a drone in the hive. ‘*Fervet opus—instant ardentes Tyrii.*’

“No dead weights upon the wheels of progress; each contributing something, in however subordinate a sphere, to the common stock of knowledge, of virtue, or of material good. The Government, recognizing the sacred trust committed to it by the people, seeking only how it may guide, and elevate, and bless; and the people honoring and loving the benignant power which they have themselves established and which is felt only by its beneficence.

“A christian and republican commonwealth, then, should educate its children from the instinct of self-preservation; from regard to the inalienable right of every child to the highest development of all the powers that God has given it; and that it may duplicate, and re-duplicate, a hundred and a thousandfold the beneficent forces inherent in the brains and hands and hearts of its citizens. What imagination can picture the matchless glory of that State, *all* of whose sons and daughters are truly educated; trained to use all of their best powers in all best ways? Or what arithmetic can estimate the loss to a State, even in outward and material forms of prosperity, from their being but a small fraction of its population educated, and even those few but very imperfectly.

“In every direction we are seeking to reach the maximum *material* development. The treasures of science and art subordinated to every industrial interest, and poured into the lap of commerce and trade. Chemistry adds fresh exuberance to the products of the soil; redeems from sterility the rock, the sand, the swamp, and the bog; makes two spires of grass to grow where but one grew before; and even lends new splendors to the glory tinted flowers. Mechanics wrestle with the laws

of force and motion in search of new combinations wherewith to increase the strength and deftness of tools and implements, or the speed of the spindle and engine. Astronomy is laying more and more securely her viewless highways on every sea, for the safety of navigation and the spread of commerce. Invention musters her thousands of anxious students, from the subtle alembic of whose busy brains there springs into the arena of human activities, ever and anon, some new child of strength and beauty, to swell the grand procession of agencies that march to the sure conquest of the material world.

"This is well; it is grand, inspiring. But the end of these is objective—material. If it were possible, these flaming giants would go on pulling down mountains, filling up valleys, spanning rivers and seas, till the earth itself is belted and covered with the trophies of their power, without ever stopping to think that man himself, as a race, is overlooked and left, distanced by the genius of a few, a pigmy and a dwarf. I rejoice that there are giants in these days, to pile Pelion upon Ossa, and break through the iron barriers of nature to compass their ends.

"But when will the cold philosophy of economists and statesmen be transfused with the glowing truth that the noblest end of human effort is the development and elevation of *man himself*? When shall we acknowledge that any system which ignores this divine truth is at best but a splendid failure—a firmament without a sun? It was for *man*, not for jeweled crowns and mitred heads; not for the luster of arts and arms; not for the golden pomp of commerce, wafting her treasures from every clime; not for thrones and courts; not for presidents and kings, or a titled nobility; not for millionaires of the plough, or loom, or counting-house; not for the children of the favored few; not for any form of gorgeous materialism in kingdom, empire, or republic; not for these, but for *man, as a race*; for man, instinct with quenchless emotions and imperishable attribute of mind and soul; for man as the heir of immortality and eternal life; it was for *him* that Jesus bowed his gracious head and died, two thousand years ago. How slowly have we learned those elements of national life and glory, as well as of personal salvation and eternal life, which He quietly proclaimed upon the mountains of Judea. And yet I believe, as devoutly as I believe in God, that there is no other doctrine of national life and duty, given under heaven or among men, whereby we or any other people can be morally or politically saved. Governments are made for men, not men for the governments. Man, in his intellectual, moral, social, and religious natures; in his elevation, purification, and immortal destiny, must be the beginning and end of all statesmanship that hopes long to have either the confidence of men or the favor of God.

"Mankind, by a common impulse, blast with scorn the wretch who turns without pity or succor from a naked, starving fellow-being. Is there any nakedness like that of the mind? any gnawings of hunger like those of a starving soul? And again I say, the ground of obligation to rescue is the same in both cases: need, capacity and impotence on the one hand, and ability on the other.

"The moral and spiritual natures of children should receive their due proportion of culture; first, because they all *have* such natures, and second, because it is irrational and dangerous to ignore that fact. If the argument already advanced in support of the general obligation to educate, that the possession of faculties susceptible of improvement is, *a priori*, conclusive as to the duty enjoined, is true, then, *a fortiori*, should those elements and capacities of being which go down to the depths of

character, and take hold upon the issues of life and death, and reach out to the most sacred things of personal and social existence, be recognized and cared for simply because there *are* such elements and capacities. What would be thought of an educational plan that should leave out and purposely exclude some one of the intellectual faculties, as judgment, comparison, imagination, or memory? And yet here is not one faculty only, but a whole range of susceptibilities, an entire department of being, which is ignored in the common theory of public education.

"It is irrational to pass by the moral and religious natures of children in our schemes of education; as much so as it would be to omit the heart in a scientific treatise on anatomy, or the main-spring in an analytic description of a watch. For, though composed of different constituent elements, there is as much unity in the human mind viewed as a constitutional whole, as there is in the aggregate perfection of the animal body, or of a watch; and a child whose higher nature is kept in abeyance, or is debased and dwarfed, while the purely intellectual powers are stimulated and polished to the highest degree, is no more a truly educated child, than the animal organism is complete without the heart, or the mechanism of a watch without the main-spring. Such culture is illogical, one-sided and distorted. The loss, too, is more than that of the neglected faculties, for the divinely appointed harmony by which the co-ordinate and concurrent development of the whole is essential to the best development of every part, is broken through, and the intellectual powers themselves suffer, through sympathy, with the inaction and lethargy of the moral nature.

"But it is also dangerous to neglect the moral natures of children in shaping a system of public education. Right moral principles are not indigenous to the human heart. Be the cause what it may, all history and experience are in evidence to the contrary. The let-alone policy will not meet the case. The world furnishes no instance of permanent moral excellence as the result of spontaneous development. All spontaneity is in the opposite direction. When a child develops, without instruction, into a knowledge of logarithms, we may also expect him to evince an intuitive knowledge and practice of the moral virtues—but not till then. At least as much care is requisite to implant an abiding moral truth in the heart, as to fix a scientific principle in the brain; neglect will leave the child equally ignorant of both. A child must be *trained* up in virtuous ways, line upon line, precept upon precept, as sedulously as in language and mathematics, or he may become a moral savage, with all his learning. Not only is there no self-purifying force by which the soul will expand in moral beauty of its own inherent nature; but, on the contrary, such is the law of the moral nature that, like the intellectual, it does not advance, it will recede; if it does not become better it will become worse, and that continually.

"Now, if culture is power, what security is there in entrusting it to persons of no well-defined ideas of right and wrong; no adequate sense of moral obligation; no inwrought convictions of truth and duty? Unless the heart becomes warm and the conscience tender, while the understanding is strengthened and the intellect rendered acute, who shall say that every weapon drawn from the arsenal of learning may not be hurled against the citidels of truth and justice? That law may not sink into chicanery; statesmanship into trickery; logic into sophistry; liberty into licentiousness; and elegant letters themselves into the means of debauching the morals of the young.

"I must not be understood as holding that the tendency of a purely intellectual culture is, *per se*, to make men worse instead of better. With my whole heart I repudiate such a notion. It is at war with both reason and experience; it is illogical and absurd. If children had no moral and spiritual nature; no heart or conscience; no affections, emotions, and sympathies; if they had none but intellectual powers to be developed, the claims of education would be no less imperative. Mental culture lifts men up from the swamps and sloughs of lust and passion; it tames and subdues the coarseness and savagery of their animal appetites and instincts; it multiplies their means and sources of rational enjoyment, refines their tastes, exalts their conceptions, enlarges their range of thought, and lifts them in all ways into a higher and better plane of existence. I do not, therefore, by any means base my plea for a more careful moral training upon the ground that mental culture alone is in itself to be feared or deprecated. God forbid

"Again, in constructing a scheme of public instruction, an American State should also have reference to the child's preparation for his peculiar political rights and duties as a member of a republican commonwealth. We copied no European model in the distinctive constitutional form of our government, and we should imitate none in our educational policy. Not for the sake of effecting originality, but from necessity; because of the totally different relations sustained by the individual citizen to the governments of the old world, and those subsisting between the citizen and the government of an American State. The education suited to the political condition and prospects of an Austrian or a Spanish youth, is as radically unlike that which an American boy should receive, as the principles of aristocracy and absolutism are antagonistic to the American doctrine of equal rights and the sovereignty of the people.

"It seems to me that I cannot be mistaken in the opinion that great injury has resulted from the want of due practical recognition of this obvious truth. While we have borrowed nothing from the old world in the construction of our political system, we have engrafted many of its obsolete and alien ideas upon our system of education, both in our colleges and public schools. There is one thing that we should have learned from the nations of Europe in respect to public education: all their systems, such as they are, are conceived, designed, and carried out with direct and persistent reference to the maintenance and stability of the existing political order—of the government. And so it must be with us. The youth of those imperial and aristocratic States, those of them who are educated at all, are filled from childhood with notions of the superior excellence of their political systems, of the sacredness and inviolability of the kingly prerogatives, and the baseness and criminality of any attempt to change so beneficent a system of things. And hence the educated young men of Europe are, as a general thing, a unit in the support of their respective forms of government—deeply read in their history, laws, diplomacy, and policy, and wedded thereto with a tenacity that nothing can sunder.

"For infinitely better reasons, we must seek to effect the same thing. Our youth must know more of the government under which they live; of its theory, of the framework and equipoises of its fundamental law, of its modes and forms of practical administration, and of its illustrious history. But this can only be done by systematic instruction; and, for the masses, such instruction can only be received in the public schools. I deem this subject one of transcendent importance in its bearings upon our political future as a nation. How wretchedly meagre is the knowl-

edge of the government, laws, policy, and political history of the country possessed by our youth, when they leave the public schools. How can they respect and cherish what they do not comprehend, and how can they apprehend what they have not been taught, and how can they be instructed in what has not been provided for and encouraged by the school systems of the respective States?

"Thousands of educated foreigners, to our shame be it said, know more, not only of their own political systems, but of ours also, than is taught to our own youth in our public schools. The elements of a rudimentary education are of course the same in all ages and countries; but when this preliminary stage is passed—when the elements of numbers and reading, which are the keys to all knowledge, have been mastered—then the divergency between the curriculum suited to monarchy and despotism and that adapted to a free republican state begins. Then we leave the domain of the universal in national education, and enter the sphere of the special. And right here, I believe, we have neglected a great duty in our whole public educational policy, from the inauguration of State free school systems until now. We have never had a system of public education distinctively adapted to the exigencies of an American republican State. We have never seemed to think it worth while to see that in addition to a befitting acquaintance with the elements of knowledge, the whole body of our youth are also familiarized with the peculiar political system under which they live, and with their rights and duties as future citizens under that system. It has seemed enough if the public schools rendered them proficient in general scholarship—in reading, arithmetic, and grammar—leaving them to pick up their political ideas at the street corners, from partisan newspapers, or still more partisan 'stump speakers.'

"Now, in one sense it matters not where a child is taught to read, write, and calculate. The multiplication table is the same in France, Belgium, or Illinois. The Binomial Theorem knows no latitude or longitude. These things may be learned in England, Brazil, or Pennsylvania. They belong to the realm of abstract and universal truth. They do not touch the living, breathing facts and principles of social and political science. They enter not at all into the tremendous conflict of ideas which heaves and surges both in the old world and the new.

"Another American idea, the logical offspring of our institutions, and which should have especial recognition in our educational plans, is the criterion of worth, or the rule of judgment by which we determine a man's claims to consideration and respect. The questions we ask are not, *who* is he, but *what* is he? Not has he wealth, honors, and titles, but has he sense? Not was his father a great man, but is *he* of any account? Not what are his claims and pretensions, but what are his actual abilities? Not what can he say, but what can he do? Not where was he educated, but *is* he educated? I say that these are the questions prompted by the spirit of our free institutions, which, by the tremendous energy, vitality, and self-reliance that they beget, and infuse through every stratum of the body politic, from top to bottom, sift out the chaff of character from the wheat as by a whirlwind, and expose empty pretension to the nakedness and derision that it deserves.

"Enterprise, movement, progress; an intense and all pervading activity, are the palpable and unquestionable characteristics of our people. Work, or the ability and willingness to work; achievement, or the ability and disposition to achieve; something done, or the capacity and will to do something; these are the short, sharp, and decisive condi

tions and tests of true American nobility. The man or woman who is able to earn a living by hand or brain, and will not do it, may starve in welcome, in the judgment of the American people. We need no elegant twaddle about 'the dignity of labor,' and all that; any more than we need to be lectured as to the necessity of food, or the propriety of clothing; we assume that work is a necessity and duty, and therefore honorable; and that voluntary idleness is against nature, and therefore monstrous; against the teachings of God, and therefore wicked; that the obligation to be useful is eternally linked with that of being virtuous and good.

"This national habit of industry, of considering the knowledge and practice of some useful employment or occupation as an inseparable condition of public esteem, and useless indolence as a disgrace alike to the learned and unlearned, to the millionaire and the beggar, is a noble characteristic of our civilization, to foster and strengthen which should be a prominent aim in public education. This prevailing idea of work, as the duty and destiny of all, no less than the stern criterion of respectability even, when joined to the comparatively general intelligence and enterprise of our people, is the secret of that rapid and stupendous development and prosperity which are the amazement of Europe and the wonder of the world. But it is simply the first step towards the realization of what must inevitably follow the union of labor and skill, the perfected results of which will be reached only when universal industry and activity is conjoined with universal education; or, when not only all are workers, but when all are intelligent and skilled workers. The first element is already, as I have said, the national characteristic; to secure the second, or as close an approximation to it as possible, is the great work of this generation. When sixty millions of hands, directed by thirty millions of educated minds, shielded by one loved national flag, and moving to the music of a restored and indissoluble national union, shall set about repairing the waste places, rebuilding the ruined temples, and developing the moral and material resources of the country, the millennial day of the Great Republic will not be far distant.

"Related to the points just considered, is another American idea of public education. I refer to that general knowledge of men and things, of business, and of public affairs, which is demanded by our peculiar social and political system. Here, too, the relations of an American citizen to the body politic, and to the government, have no parallel in the old world, and the educational preparation to meet and fulfil those relations must therefore be unborrowed and peculiar. In Italy, Austria, or Russia, the peasant knows beforehand, with almost unerring certainty, what sort of duties his son will have to perform, and within what sphere of action his life will be spent; he knows, too, how humble those duties will be, and how circumscribed and lowly will be the province in which his manhood must be spent. Hence, the demands of the case can be met, both in kind and degree, by an education almost pre-determined both in its range, principles, and details. His child can have no connection whatever with the government, except to obey its mandates and pay the tithes. He will have no voice in the discussion of questions of finance, commerce, or manufactures. He will pursue the narrow, beaten path of his father, engaging in the same or similar manual labor, living and dying in like obscurity.

"How is it with the child of an American citizen, of how humble soever a condition? No sooner does he attain his majority, than the ballot, the badge of a freeman, nobler and more potent than the *'toga*

virilis' of the haughty Roman, is placed in his hand, and he forthwith becomes a sovereign, an elector, invested with the honors, responsibilities, and trusts of citizenship; a constituent member of the great body politic, personally interested and identified with affairs of State; sought after by partisans and candidates for office, and himself eligible to positions of honor and trust. He may be called upon to take part in or conduct the local affairs of his neighborhood, town, or village, and he must therefore acquaint himself with their condition and wants; or to preside over a public meeting or convention, and he must study the parliamentary manual; or to the directorship or presidency of some moneyed institution, and he must understand the principles of finance; or to an interest in manufactures, and he must not be ignorant of the subject; or to engage in commerce, and he must know something of the laws of trade. He will be plied with the arguments of statesmen and the sophistries of demagogues, and he must be able to test the soundness of the one, and to detect the fallacies of the other. The diverse policies of protection and free trade will be pressed upon his attention, and he should know something of political economy. Agriculture, the mechanic arts, taxes, the currency, and many other subjects of public concern, will meet him all along his course in life, and demand a share of his reading and study. He may be sent to the Legislature, and should not be ignorant of the views of the people, or of the manner in which their will is embodied in the forms of law. He may be Governor, and the position should not find him destitute of some knowledge of the duties of the Executive. Even the Presidency is possible to him, and the national history and Constitution should therefore be familiar.

"Besides these, and a great many other spheres of public duty, in some of which he will certainly be called to act, and in the highest and most difficult of which he may be called to act, there are social, moral, religious, benevolent, philanthropic, scientific, educational, reformatory, and innumerable other questions, organizations, societies, movements, and enterprises, in each or all of which he may be called upon to take some part, express some opinion, or exert some influence; none of which should, therefore, be wholly neglected in his general education. Scarcely a newspaper can be understandingly read in this country (where all are readers of newspapers) without at least a respectable elementary acquaintance with all of these subjects.

"Now, this general knowledge, this intimacy with the outside world of men and things, teeming with facts and truths, old and new, full of intense activities, and glowing with living power, is lamentably and notoriously neglected in our systems of public education. In the ideal scheme of common schools it will not be so, but a truer estimate of the comparative value of what is taught will be made, and a wiser practical policy will be adopted. I speak, of course, exclusively of common public schools, beyond which nine tenths of our school children do not go.

"The fact of the woful deficiency of the great mass of our public free school pupils in the general knowledge of which I have spoken cannot be denied. It crops out everywhere; it is proven on all occasions where practical tests are applied. Never before were text books and methods of teaching so perfect. Never before was what is taught in common schools so thoroughly, philosophically and satisfactorily taught. It is not against these that the objection lies, but against the time uselessly spent upon subjects, or parts of subjects, of no practical value, on the one hand; and the entire omission or neglect of matters of the most essential im-

portance, on the other. The school life of the great mass of our children and youth is very brief—only a few months or years—and sufficient only for the acquisition of an elementary English education. Can it be doubted that, in the case of these, the time spent upon such topics as repeating decimals, alligation, cube and square roots, for instance, in arithmetic; or upon four fifths of the minutiae of English grammar—topics that require manifold more time and attention, relatively, than the essential elements of those sciences—could be devoted, with immeasurably more advantage to the scholar and to the public, in the elucidation of the Constitution of the United States, the laws and administrations of the State and Federal Governments; to the explanation of useful facts and phenomena in nature, science and art; to the principles and maxims of trade, commerce and manufactures; the relations of capital and labor; the filial, fraternal, social, moral and religious duties of life, etc.; in a word, to the countless facts, relations, duties and principles with which they must come into immediate contact on leaving school; in the midst of which they must live and act, and by their knowledge of which (not by their expertness in mathematical roots and grammatical niceties) their position among men and their success and usefulness in life will be determined. Can anything be more self-evident?

“The esthetic element is also essential to the true American idea of popular education. It is the sneer of foreigners that republican institutions are incompatible with the refinements, graces and amenities of life. They graciously admit that we have a certain rough energy, enterprise, and dash of character, but deny that we are in any proper sense a nation of gentlemen. When driven from every other disparaging view of us, by the logic of facts, they take refuge here, and affirm, as unanswerable, that we are at least a very boorish people.

“At the temerity of the sweeping charge that free institutions are not favorable to esthetic and art culture, we can afford to smile. We know that the peculiar freshness, freedom and vigor which vitalize democratic States, opening the gates of the beautiful to all, and wooing all to the charmed gardens haunted by the spirits of song and taste and loveliness, are not found to the same extent under any other form of government on earth. We know that the age of Pericles was not only the most illustrious era of the Grecian democracies, but also the culminating period of Grecian art. It may also be said that our nation is yet in its infancy, that most of these great commonwealths are but just redeemed from the wilderness, that many of them are still partly covered by the wilderness of primeval nature, that the music of the axe and rifle must precede that of the harp and viol, and the crash of falling forests that of orchestral harmonies; that the spade and plough are senior to the brush and chisel—garments for the body, to draperies of the imagination—the blossoming of cereals to the flowers of rhetoric.

“The cultivation of this element is needed to sweep from our social and public life those foul blots of rudeness, coarseness, and profanity which so often disgrace us, and which are the just opprobrium of our civilization. An American gentleman should be able to enter a railway car, either with or without the protection of a lady, with no fear of contamination to lungs or apparel from the effects of the national habit of tobacco using. American ladies should not be compelled to shrink from the streets, or even from entering places of worship on the Sabbath, through dread of an ordeal of staring impudence or unseemly remarks from squads of brazen bystanders gathered for the purpose. The ears

of Christian refinement must not be shocked, in public places, by ribald jests and wanton blasphemies. The harsh discord of boisterous voices should be banished from our parlors, and drawing-rooms, and family circles, by the low, quiet tones which are the infallible tests and accompaniments of genuine refinement. Cultivated American travellers should not be forced to blush, when abroad, at the vulgarity and rudeness of their ubiquitous countrymen. We should banish slang from our matchless language, and cultivate distinctness and purity of utterance. We must see to these things, not because our depraved tastes and offensive manners are displeasing to foreigners, but because they are disgraceful in themselves and a just reproach to our country. Let it be the aim of our public schools to render the youth of all these glorious commonwealths patterns of modest deportment, purity of speech, and refinement of manners, as well as of stalwart mental power, practical knowledge, and business energy. So shall we honor God, bless humanity, and receive the benedictions of posterity."

CONCLUSION.

The limited time for the preparation of this report since the statistics were received, renders it impossible for me to make any elaborate statement of the educational progress of the State since 1862. I am, therefore, necessarily compelled, as a substitute, to close by quoting portions of my address before the State Institute last May, changing it only by inserting the exact figures given by the last annual reports of school officers, in place of the estimates then made.

Since the Institute of 1863, our public schools have been quietly and peacefully revolutionized. In the grand events of national history, in the building of cities, the construction of roads, the settlement of land titles, and the excitement of life incident to a new State, the progress of schools is hardly noticed except by those who are most directly interested in them. *Then*, we had little to be proud of in our educational record; *now*, California will not suffer by comparison with the most progressive educational States in the Union.

Then, the annual amount of money raised for public schools was \$480,000; *now*, it is \$1,287,000, or nearly three times as much.

Then, there was no direct State tax for the support of schools; *now*, the State tax is 8 cents on the \$100, giving an annual revenue from this source alone of \$120,000.

Then, the State apportionment was \$130,000; *now*, it is \$260,000.

Then, the amount raised by county and city school taxes was \$294,000; *now*, it is nearly \$600,000.

Then, the amount raised by district taxes, voted by the people, was \$7,000; last year the amount was \$73,000, or more than ten times the amount raised in 1862.

Then, the maximum county school tax allowed by law was 25 cents, and the minimum required to be levied, *nothing at all*; *now*, the maximum tax is 35 cents, and the minimum tax must be equal to \$3 per census child, which in many counties requires the maximum rate of 35 cents.

Then, the amount raised by rate bills of tuition was \$130,000; *now*, it is only \$79,000, showing a rapid approximation to a free school system.

Three fourths of the pupils now attend free schools during the year, and all are secured by law the right of a free school, either for three months or five months, in proportion to the size of district.

Then, the amount paid for teachers' salaries was \$328,000; *now*, it is \$700,000—an increase of 114 per cent.—while the number of teachers, in the same time, has increased only 31 per cent.

Then, the total expenditure for schools amounted to a percentage on the assessment roll of the State, of 30 cents on each one hundred dollars; *now*, it amounts to 58 1-10 cents on the one hundred dollars.

In 1862 the amount expended per census child was \$6 15; last year it was \$12 61.

In 1862 the amount expended for schoolhouses was \$49,000; in 1865 it was \$257,000. During the school years 1864 and 1865, two hundred new schoolhouses were erected. The total amount expended for schoolhouses in this State since 1862 is greater than the amount for the ten years previous. The limitation of the tax for building schoolhouses, which was forced upon the friends of the Revised School Law, has somewhat interfered with the erection of buildings during the past year; but this limitation will be repealed at the next session of the Legislature.

Then, the average length of the schools was less than six months in the year; *now*, it is seven and four-tenths months—an average length of schools which is exceeded only by Massachusetts and Nevada, of all the States in the Union.

Since then, while the number of census children has increased twenty-six per cent., the average number attending the public schools has increased more than fifty per cent.

The stronger hold which the schools have taken on public opinion, the greater skill, earnestness, and enthusiasm of teachers, the consequent improvement in methods of instruction and classification, the use of better text books, the deeper personal interest of parents, the neater and more commodious houses—all these together constitute an advancement which cannot be expressed by a contrast of statistics.

Then, we had no State educational journal, and hardly a dozen copies of the school journals of other States entered the Golden Gate; *now*, the *California Teacher* has a circulation of 2,700 copies. It reaches every school officer in the State; it goes into the hands of every teacher and into every school library. Many of its items of information and educational articles are largely quoted and republished by the newspaper press, and the result is that the amount of reading relating to schools put before the people has been increased a hundredfold. It has done more to inform Trustees, to awaken professional pride among teachers, and to secure an efficient execution of the School Law, than any other educational agency in the State. It has cost the two editors who nurtured its feeble infancy some anxiety and many a day's extra work, but they are fully satisfied that the labor has not been given in vain.

Then, the State Normal School numbered 30 pupils; *now*, it has 125 enrolled, has graduated 121, and has sent out a hundred undergraduates.

Then, we had no system of professional examinations, no educational society, no organization, and little professional pride; in fact, a man generally apologized for being forced to resort to teaching until he could find something else to do.

Then, the "old schoolmasters" of San Francisco were examined every year by doctors, lawyers, dentists, contractors, and business men, to "see if they were fit to teach the common school" they had been teaching years in succession. There was no standard of qualification, except

the caprice of "accidental boards." Throughout the State, examinations were oral, and in most cases resulted in issuing to everybody who applied a certificate "to teach school one year;" *now*, a new order of things prevails. Every Board of Examination, whether State, city, or county, must be composed of professional teachers exclusively; all examinations must be in writing, and in certain specified studies; and certificates are issued for life, or for a length of time proportioned to the grade of certificate issued.

California is the only State in the Union in which teachers have gained the legal right to be examined exclusively by the members of their own profession, and we have just cause to be proud of the fact. It has already done much to make the occupation of teaching respectable. It has relieved good teachers from useless annoyance and humiliation; it has increased their self respect, stimulated their ambition, and guarded the schools against quacks and pretenders.

Concerning this provision of the law, Professor William Russell, of Massachusetts, who has been for many years the advocate of professional certificates for teachers in the older States, says in the December number of *Barnard's Journal of Education*:

"By the 'Revised School Law,' approved March 24th, 1866, professional diplomas are classified as conferred by State, County, and City Boards of Examination. The close attention to details in these enactments, indicates the careful consideration with which the measures contemplated have been prepared. The results already secured, place the State of California on high vantage ground as a field of educational labor, inviting the attention of all worthy candidates for the office of teachers; and the State cannot fail to reap a rich reward for the noble spirit of enterprise which, in this respect, it has manifested. Its popular designation, 'The Golden State,' will, ere many years shall have elapsed, bear a new and higher meaning, referring to 'riches that perish not with the using.' In coming years, the other and older States, in which but a partial progress has as yet been made toward the results already secured in California, will gratefully acknowledge the benefits derived from the influence of her example."

Our School Law is the only one in the United States which has taken broad, professional ground, by providing that the diplomas of State Normal Schools in other States shall entitle the holders to legal recognition as teachers in this State.

The State Board of Education has already issued 46 "State Life Diplomas," and the State Board of Examination has granted 91 State educational diplomas, valid for six years; 157 first grade certificates, valid for four years; 102 second grade certificates, valid for two years; and 33 third grade certificates, valid for one year; making a total of 429 State certificates, or one third of the whole number engaged in teaching in California.

Throughout the State, the County Boards have established a fair standard of qualification—the printed questions of the State Board are generally used—and as a result, the old teachers have become ambitious to secure the highest grade certificates, competent teachers are secured, and the schools are protected against incompetent ones whose only recommendation was that of teaching for little or nothing.

I hazard nothing in saying that the standard of qualification required for the teachers of ungraded county schools in this State is uniformly higher than in any other State in the Union. It is the testimony of County Superintendents that our thorough system of examination has doubled the efficiency of the common schools of the State.

Strange to say, this new system of professional examinations was violently opposed four years ago, and by none so vehemently as by some common school teachers.

The world moves; is there a single teacher here who would desire to have the old order of things re-established? But I never doubted, that once established, it would remain a part of our school system as long as schools were maintained.

It was my sanguine hope, for many years, that in this new State teaching might aspire to the dignity of a profession; that teachers might learn to combine their strength, respect themselves, command the respect of others, and honor their occupation. I have lived already to see the promise of the future. It has been and is my highest ambition to elevate the profession of teaching; for I well know that in no other way can the public schools be made the great educators of the State and the nation. If the citizens of this State desire to have good schools, they must pay professionally trained teachers high salaries. If they want talent, they must buy it.

Already the result has been to materially raise the wages of teachers, and to increase the demand for professional teachers, instead of itinerants.

Four years ago, outside of San Francisco, there were not ten schools in the State which paid an annual salary of \$1,000; now, there are a hundred teachers who receive from \$1,000 to \$1,200 a year.

Trustees, in writing to the Department of Instruction for teachers, say: "Send us a professional teacher holding a State diploma, and we will pay the very highest wages."

The salaries of good female teachers have been materially increased. San Francisco pays the highest average salaries given to female teachers in any public schools in the world.

The salary of the female assistant in the State Normal School is \$1,300 a year, a salary exceeded by only three or four positions in the United States. St. Louis pays the female Principal of the City Normal School \$2,000 a year; but that is in currency, while California salaries are gold.

A dozen women in this city are paid \$1,200 a year, and a score receive \$1,000 a year.

It is only by raising the standard of attainments that the occupation can become well paid and well respected. Set the standard high, and high wages will follow; set the standard high, and good schools will be the result; set the standard high, and teachers will be content to remain in the schools.

Let all teachers who act on County, City, or State Boards of Examination, discharge their duty faithfully, without reference to the pressure of friends, or the complaints of unsuccessful applicants, ever bearing in mind the duty they owe to the schools, the people and the profession of teaching.

Professionally trained teachers, well paid for their work, will bring the schools up to their fullest measure of usefulness, and will secure from the people the most liberal support.

Four years ago, County Institutes were held in only two or three counties in the State; now, the law requires one Annual Institute in

every county having ten school districts, and further requires that teachers shall attend, and that Trustees shall allow their wages to continue during the time of attendance.

In this particular it is the most progressive law on record. Already the Institutes have been productive of great good.

Four years ago there was not a teachers' library in the State, except a few odd volumes in San Francisco.

Now, all the large counties have begun a central library, and some of them have quite extensive ones.

Four years ago we had public schools, but no organized system of public instruction.

Now, we have a Central State Board of Education, with powers more extensive than have ever been given to the State Board of any other State in the Union.

But these powers are for systematizing, not for controlling or governing the schools in the details which properly belong to the local school officers.

Four years ago the county schools were filled with an innumerable variety of different text-books: Arithmetics of every date, from Daboll's and Pike's down to Thompson's and Greenleaf's; Grammars, from Lindley Murray and Smith, to Brown and Greene; Readers, Spellers, and Geographies enough to fill an antiquarian bookstore. These books were changed, sometimes as often as the teachers. There was no possibility of classification or systematic instruction; and migratory families of half a dozen children, in moving about, accumulated extensive libraries of books, which represented a considerable amount of capital not very profitably invested.

Now, we have a uniform series of modern books, with which teachers have become familiar; the schools are classified, and thousands of dollars are annually saved to the pockets of parents. None of the evils, foretold by impracticable teachers and Trustees, suspicious of monopoly, have come to pass. The only losers have been the book publishers and dealers.

We have a course of study, established by law, by means of which teachers are enabled to pursue an intelligent system of instruction, in spite of the prejudices of those parents who are too ignorant to comprehend the purpose of a school.

We have judicious rules and regulations, established by law, to aid teachers in enforcing discipline and order. In no other State is the authority of the teacher so well established and defined by law. Every district school in the State is placed under a judicious system of general rules and regulations.

Four years ago school statistics were notoriously unreliable; the records were kept without system, in old blank books or on scraps of paper, and often were not kept at all; now, every school is supplied with a State School Register, so simple in its style of bookkeeping that the most careless teacher can hardly fail to keep a reliable record.

Then, Trustees wrote their orders to County Superintendents on scraps of paper, without much regard to business forms, and often without keeping any accounts; now, the neat order books, in the style of bank check books, furnished by the Department of Instruction, allow of no excuse for failing to keep a financial record of money paid out.

Then, the reports of teachers, Trustees, and Census Marshals were complicated and cumbersome, and were required to be made in triplicate form; now, all these reports have been reduced to the simplest possible

business forms, and are required to be made in single blanks to the County Superintendents.

In 1862, one hundred and fifty copies of the report of the Superintendent of Public Instruction were allowed the office of the State Superintendent for distribution; now, four thousand copies are published, and the law requires that a copy shall be sent to each Board of Trustees, each school library, each County Superintendent, and that two hundred and fifty copies shall be bound for distribution to the School Departments of other States.

Then, there were no school libraries; now, a library is begun in every school district, and a liberal provision is made for their enlargement by a reservation of ten per cent. of the State School Fund annually.

The influence of a library in school is second only to that of the teacher; and, in many instances, the information self-gleaned by the pupils from books, is the most valuable part of their common school education. Books will give them a taste for reading, make them *alive* to knowledge, and start them on a plan of self-culture through life. A teacher may fail in the discharge of his duty, but the influence of good books is sure and lasting.

Then, most of the county schools were destitute of maps, charts, and globes; now, most of them are supplied.

Then, all school incidentals, such as pens, pencils, ink, and stationery, were furnished by the pupils themselves, and as a consequence, half of the children were generally without these indispensable articles; now, they are furnished by the district to the pupils, free of expense.

Without mentioning in detail other provisions of our Revised School Law, it is enough to say that it has received the warmest approbation from the most distinguished educators of the United States. Hon. Newton Bateman, Professor William Russell, Henry Barnard, Wm. H. Wells, John D. Philbrick, John S. Hart, and many others, unite in the opinion that the School Law of California is one of the best in the United States, and in some points decidedly in advance of any in the older States.

Four years ago the educators of the East hardly knew that public schools existed at all in California. Now, our reports are found in every large library and reading-room in the United States; are in the hands of all the prominent educators of the East; are sent to the Departments of Instruction in Europe; and are still requested by letters which arrive with almost every steamer mail. The President of the Smithsonian Institution, desirous of securing for publication cuts and plans of some of the best schoolhouses of the United States, has just written to me to forward those of the Lincoln and Denman Schoolhouses.

When we consider the generally depressed condition of business in the State during the past four years; the heavy losses during the mining stock mania; the losses by flood and drought; the gradual working out of placer mines, and the consequent depreciation of property in many places; the falling off in the trade of many mining towns; the unsettled condition of land titles in many of the agricultural sections, and consequently the unsettled condition of the people; the slow increase of population from immigration, and at times its actual decrease in consequence of attractive mines in neighboring territories, and the slow increase of taxable property—we have reason to be proud of the unexampled progress of our common schools.

In the great work of settling and civilizing a new State—in the building of cities, the construction of railroads, the cultivation of farms, the development of quartz mines, the beginning of manufactures, and

all the varied branches of industry—the influence of schools is lost sight of in the figures of material statistics; and it is only when we consider that the 50,000 children now in the schools, during the next twenty years will take their place in society as the workers and producers, that we begin to realize the latent power of the schools. They are silently weaving the network of mental and moral influences which underlie civilization; and when the children shall become the masters of the material wealth of the State, the influence of the schools will begin to be evident.

While we may feel gratified with our progress, we must not forget that much remains to be done. Our schools still fall far short of the work which is pressing upon them. We need better methods of instruction; we need to educate public opinion to still higher appreciation of the value and necessity of education.

The highest purpose of the public schools is to train the children to become good citizens. It is not enough that they teach the elements of an intellectual education. They have a higher and nobler duty. Education implies development, training, discipline; a repression of bad tendencies, as well as the culture of good ones. The schools should train to habits of obedience and subordination, of honesty and integrity. They should inculcate love of country and love of liberty. They should teach the duties, rights, privileges, and honors of American citizenship. At present how imperfectly is this great work done.

Fellow teachers! the work is in your hands. All the machinery of school law, all the money raised by school taxes, all the schoolhouses built, are of little avail if you fail in the final work of actually forming and moulding mind and character. But your work is not, indeed, limited to the schoolroom alone. You must make your influence felt on society. Attend the County Institutes, write essays, and engage in debates and discussions. Write for the local papers. Subscribe for and read carefully half a dozen of the best school journals in the United States, and learn what is going on in the educational world. Instead of complaining about the lack of interest on the part of parents, visit every family in the district, and wake up the fathers and mothers from their lethargy. Hold frequent examinations and exhibitions, for the purpose of bringing the people in direct contact with the school and its influences. Start a subscription to increase the school library. A little money directly from the pockets of the parents will lead to a better appreciation of the value of books. Harass the Trustees until they purchase school apparatus, furnish new desks, or build a new schoolhouse, if one is needed. If a special tax is necessary, canvass the district for it with the zeal and earnestness of a professional politician. Visit other schools, read new works on education, and adopt new methods of instruction. If you wrap yourselves up in your own conceit, and imagine that nobody can tell you anything about "keeping school," you will never rank among the progressives.

If the teacher be a man among men, he will command respect; but if he confine himself to the schoolroom; if he deal only with books and boys; if he write nothing, say nothing, and do nothing, society will be certain to estimate him by value received. The true teacher should be a thinker and a doer. The scholarship required of the teacher is a peculiar one. There is a sham scholarship which prides itself on diplomas, flaunts Latinized phrases, and ignores plain Saxon. There are pedants who hide their shallowness under the veil of dullness. Like Wouter Van Twiller, the old Dutch Governor of New York, they gain credit for

knowing a vast deal by saying nothing at all. But any teacher with his intellectual and spiritual faculties in good working condition, can be a scholar, whether educated *in* the schools or *out* of them.

The teacher, above all others, should be endowed with that force of character which stamps its impress on all that comes in contact with it, for he is tested by what he does, not by what he knows. A living man is wanted, not a walking library. He must kindle other souls into enthusiasm by a spark of electric fire from his own.

It is often said that teaching narrows the mind, belittles the man, and makes him merely a dray-horse in the monotonous round of the limited circle of the schoolroom. It *may* be so—it sometimes *is* so; but it is not a necessary result, if the teacher have in him any elements of progression. The same holds true of other professions and occupations; the thinker grows, and the imitator dwarfs and sinks into a retailer of second hand thoughts.

While teachers devote themselves to the training of boys and girls, let them not neglect their own mental and spiritual development, bearing in mind, with Plato, that "man cannot propose a holier object of study than education, and all that appertains to education."

We are apt to consider immediate results rather than their remote causes; and hence the power of the public schools is seldom fully realized.

Light, heat, and electricity build up the material life of the globe out of inorganic matter, yet so slowly and silently that we hardly observe the workings of their subtle agencies. So the schools act upon society, and organize its life out of the atoms of undeveloped humanity attracted to the schoolrooms.

A few weeks since I visited one of the great quartz mills in the interior of the State. I descended the deep shaft, where stalwart men were blasting and delving in solid rock. Above, the magnificent mill, with fifty stamps, like some gigantic monster, was crushing and tearing the white quartz with its iron teeth; and I saw the immediate result of all this work in the heavy bars of pure gold, all ready to be stamped with their commercial value, and to enter into the great channels of trade. Then I entered a public school a few rods distant, where a hundred children were sitting, silently learning their lessons. I realized the relation of the mill and mine to the material prosperity of the State; but the school, what did it yield?

I rode over the line of the Central Pacific Railroad from the spring time of Sacramento into the snowy winter of the Sierra, and I saw the beginning of the great commercial aorta of a continent. On its cuts, and embankments, and rails, and locomotives, more money had already been expended than has been paid for schools since the history of our State began. I could see the tangible results of the labor expended upon the road; but where should I look for the value received to balance the cost of the schools? After thundering down on its iron rails from the mountain summits, I stepped into the Sacramento High School, and I thought to myself: What are these boys and girls doing, compared with the men who are paving the great highway of a nation?

I go out into the streets of this great city; I hear everywhere the hum of industry; I see great blocks of buildings going up, under the hands of busy mechanics; I see the smoke of the machine shops and foundries, where skilful artisans are constructing the marvellous productions of inventive genius; I see the clipper ships discharging their cargoes; drays are thundering over the pavement; the banks are open, and

keen-sighted capitalists are on 'Change; and when I go to visit some little schoolroom, where a quiet woman is teaching reading and spelling to the little children, the school seems to be something distinct from the busy life outside.

A short time ago, I saw that ocean leviathan, the "Colorado," swing majestically out into the stream, amid the shouts of thousands of assembled spectators, and glide off through the Golden Gate, to weave a network of commercial interests between the Occident and the Orient; and when, a few days after, I stood in the Lincoln Schoolhouse, where a thousand boys were reciting their lessons, I asked: What are they doing for the city in return for \$125,000 invested in the house, and \$20,000 a year paid to the teachers? The steamship comes back with its passengers and freight, and makes its monthly returns of net profits; but when will the school show its balance sheet?

But when I pause to remember that the steam engine was once but a dim idea in the brain of a boy; that intelligence is the motive power of trade and commerce; that the great city, with banks and warehouses, and princely residences, has been built up by intelligent labor; that in the construction and navigation of the ocean steamer so many of the principles of art and science must be applied—I see in the public school, with its busy brains, an engine mightier than one of steam; and the narrow aisles of the schoolroom broaden into the wide and thronged streets of the great city. I know that the school boys will soon become workers; that one will command the steamship, and one will become the engineer; one will be a director of the Central Pacific Railroad, and one will ride over it to take his seat in the Senate of the United States; one will own the quartz mill; another will build the machinery, and another still will invent some improved method of working its ores; one will be the merchant who shall direct the channels of trade; one will be the president of the bank, and another shall frame laws for the protection of all those varied interests—and the teacher, whose occupation seemed so disconnected from the progress of human affairs, becomes a worker on mind which shall hold the mastery over material things.

I go out at night and wing my way in imagination from star to star, from island-universe to island-universe, and to the dim nebulae which lie like films of light on the darkness of space, and I vainly strive to form some faint conception of the scale on which the universe is built—of the mutual attractions, relations, and revolutions of the atoms of starry light that fill the universe with splendor.

So, when I ponder on the subtle relations of the teacher to the nebulous atoms of forming mind which must soon condense into society; when I think how his power over one mind will extend to hundreds, the circle ever widening with time, until their relations become as complicated as the complex attractions of the stars and their influence as far-reaching and as sure as that of gravity—I vainly strive to measure the responsibilities of the teacher or the results of his work.

The State Institute, four years ago, was a starting point of progress; let us hope that this Institute will give another fresh impulse to popular education and professional enthusiasm.

Four years ago I left the schoolroom, where I had been for nine years continuously engaged in teaching, to enter upon the duties of the office of Superintendent of Public Instruction. I did not deem the office a more honorable one than that of teaching, but it offered a wider field of usefulness.

My term of office is now drawing to a close, and as I may not again

meet you officially, you will pardon a brief allusion to my own work. I have not found the office a sinecure; I have not eaten the bread of idleness or ease, for the past four years' work has been the hardest of my life.

Travelling and lecturing more than half the time, attending County Institutes, editing the *California Teacher*, conducting State examinations, twice revising the School Law and attending three sessions of the Legislature to secure its passage, preparing rules and regulations and course of study for the public schools, answering the extensive correspondence consequent upon so many radical changes in school laws, preparing State reports and historical sketches of education—my powers of endurance have been taxed to the utmost limit.

I sought the office for the purpose of raising the standard of professional teaching and for organizing a State system of free schools. I am willing to leave the verdict to the future.

If, when my present term of office expires, I fall back into the ranks as a private, I shall feel proud of my profession, for I hold none more honorable, and to it I expect to devote my life.

I love the State of my adoption; I am proud of her educational record. I hope to see California as distinguished for her common schools, her colleges, her institutions of learning, as she has been for the enterprise of her people and the mineral wealth of her mountains.

I feel that her future prosperity is closely related to the education of her people, for the solid wealth of any State consists in educated and industrious men and women; and if the common schools are kept up to the full measure of their usefulness, her future glory will be not so much in her mines, her scenery, or her climate, as in the intelligence, integrity, morality, and patriotism of a people that shall make wealth a servant of science, art, literature, and religion.

JOHN SWETT,
Superintendent of Public Instruction.

STATISTICAL TABLES.

TABLE 1.

STATEMENT *by counties of the total amount of State School Fund apportioned for the school years 1864, 1865, 1866, and 1867.*

COUNTIES.	1864.	1865.	1866.	1867.
Alameda.....	\$3,658	\$4,914	\$4,197	\$8,774
Alpine.....	.....	539	450	540
Amador.....	3,225	4,283	2,934	5,801
Butte.....	2,937	3,639	2,942	5,916
Calaveras.....	3,923	4,791	3,645	7,251
Colusa.....	768	836	777	2,021
Contra Costa.....	2,764	3,272	2,646	5,344
Del Norte.....	237	316	298	572
El Dorado.....	4,951	5,643	4,278	7,913
Fresno.....	55	273	243	905
Humboldt.....	1,204	1,476	1,291	3,248
Inyo.....	.....	.....	.....	131
Kern.....	.....	.....	.....	.....
Klamath.....	139	106	79	422
Lake.....	447	1,162	921	2,102
Lassen.....	.....	636	458	800
Los Angeles.....	4,081	4,469	3,698	8,012
Marin.....	1,290	1,478	1,269	2,748
Mariposa.....	1,475	1,761	1,278	2,531
Mendocino.....	1,355	1,850	1,768	4,963
Merced.....	474	496	539	1,174
Mono.....	.....	.....	.....	.....
Monterey.....	2,700	3,080	2,371	4,617
Napa.....	2,039	2,745	2,116	4,348
Nevada.....	3,886	5,371	4,530	9,536
Placer.....	3,283	3,761	2,817	6,124
Plumas.....	884	828	820	1,824
Sacramento.....	7,757	9,566	6,852	14,028
San Bernardino.....	1,843	2,104	1,619	3,676
San Diego.....	598	719	546	1,094
San Francisco.....	27,912	36,371	28,607	55,641
San Joaquin.....	5,387	6,807	5,354	10,582
San Luis Obispo.....	1,259	1,738	771	1,744
San Mateo.....	1,388	1,792	1,349	2,985
Santa Barbara.....	1,412	3,529	2,012	3,977
Santa Clara.....	6,953	8,477	6,637	13,132
Santa Cruz.....	2,752	3,451	2,528	5,619
Shasta.....	1,578	1,732	1,303	2,595
Sierra.....	1,786	2,007	1,631	2,960
Siskiyou.....	1,355	1,714	1,484	2,960
Solano.....	3,731	4,764	3,622	7,440
Sonoma.....	6,616	8,799	7,713	15,520
Stanislaus.....	853	946	859	1,897
Sutter.....	1,491	2,182	1,712	3,216
Tehama.....	982	1,223	922	1,996
Trinity.....	280	711	582	1,225
Tulare.....	1,437	1,792	1,759	2,755
Tuolumne.....	3,168	4,120	2,920	5,654
Yolo.....	2,164	2,731	2,016	4,528
Yuba.....	3,273	3,845	3,279	6,051
Totals.....	\$132,217	\$168,828	\$132,410	\$268,910

TABLE 2.

STATEMENT of the securities and revenue of the State School Fund for the school years 1866 and 1867.

STATEMENT OF THE STATE CONTROLLER FOR THE SCHOOL YEAR 1866.

OFFICE OF CONTROLLER OF STATE,
Sacramento, December 20th, 1865. }

To the Board of Education of the State of California :

GENTLEMEN :—In accordance with law I herewith submit a statement of the securities belonging to the Public School Fund, together with the amount of money accruing to said fund on first of January, 1866.

The securities are as follows: \$59,000 in 7 per cent. Soldiers' Relief Bonds; \$606,000 in 7 per cent. Civil Bonds of 1857; \$31,020 unfunded scrip, due School Fund.

The amount of money accruing to School Fund on first January, 1866, and subject to apportionment, is as follows :

Interest on unfunded scrip, \$31,020, from July 1, 1865, to January 1, 1866.....	\$1,085 70
Interest on Soldiers' Relief Bonds, in hands of State Treasurer.....	2,555 00
Interest on Civil Bonds of 1857, in hands of State Treasurer.....	21,210 00
One half amount received from State poll tax, July 1 to December 20, 1865.....	35,042 38
Interest on sales State school lands.....	16,924 21
Apportionment of property tax (5c. on each \$100 value)...	55,956 73
Making a total of.....	\$132,774 02

Very respectfully,

GEO. OULTON,
Controller.

STATEMENT for the school year 1867 — Annual apportionment of the State School Fund of the State of California, made February 4th, 1867.

OFFICE OF CONTROLLER OF STATE,
Sacramento, February 1st, 1867. }

To the Superintendent of Public Instruction of the State of California :

SIR :—In accordance with the provisions of an Act to provide for a system of common schools, approved March 26th, 1866, I hereby report the securities belonging to the School Fund to be as follows :

In hands of State Treasurer, in trust for School Fund—

California State Bonds of 1857.....	\$556,000 00
California State Bonds of 1860.....	36,000 00
Soldiers' Relief Bonds.....	87,500 00
Soldiers' Bounty Bonds.....	46,000 00
Total (all 7 per cent. bonds).....	\$725,500 00

The amount of money in the School Fund this day, subject to apportionment, is \$269,113 86, and the sources from which it has accrued are as follows :

Interest on bonds held by State Treasurer (due July 1st, 1866).....	\$23,820 41
Interest on bonds held by State Treasurer (due January 1st, 1867).....	25,392 50
Penalties for concealing property from Assessors.....	636 30
Property tax of 1864 (5 per cent. on each \$100).....	721 64
Property tax of 1865 (5 per cent. on each \$100).....	17,573 28
Property tax of 1866 (8 per cent. on each \$100).....	115,517 61
One half State poll tax of 1865.....	7,194 03
One half State poll tax of 1866.....	42,741 21
Interest on State school lands.....	41,370 93
	\$274,967 91
From which deduct the following error made in reporting interest on bonds in hands of State Treasurer, January 1st, 1864.....	\$2,390 05
Warrants to <i>California Teacher</i>	1,404 00
Certificates of Register of Land Office of lands proved not property of the State, paid by County Treasurers.....	2,060 00
	5,854 05
Amount subject to apportionment.....	\$269,113 86

Very respectfully, your obedient servant,

GEORGE OULTON,
State Controller.

TABLE 3.

STATEMENT showing the rate of county school tax on each one hundred dollars of taxable property, for the school years ending August 31st, 1865, 1866, and 1867.

COUNTIES.	1865.	1866.	1867.
Alameda.....	.20	.30	.30
Alpine.....	.25	.20	.20
Amador.....	.30	.30	.35
Butte.....	.20	.20	.30
Calaveras.....	.10	.25	.35
Colusa.....	.10	.10	.13
Contra Costa.....	.25	.25	.30
Del Norte.....	.25		
El Dorado.....	.25	.25	.30
Fresno.....	.05	.05	.10
Humboldt.....	.17	.17	.24
Inyo.....			
Kern.....			
Klamath.....	.06	.15	.15
Lake.....	.20	.30	.35
Lassen.....	.07	.11	.22
Los Angeles.....	.25	.25	.35
Marin.....	.20	.20	.20
Mariposa.....	.10	.20	.30
Mendocino.....	.13	.18	.27
Merced.....	.20	.20	.20
Mono.....			
Monterey.....	.35	.30	.35
Napa.....	.15	.15	.25
Nevada.....	.20	.30	.27
Placer.....	.20	.20	.15
Plumas.....	.10	.10	.20
Sacramento.....	.13	.10	.15
San Bernardino.....	.15	.35	.35
San Diego.....	.10	.10	.25
San Francisco.....	.25	.35	.35
San Joaquin.....	.21	.21	.28
San Luis Obispo.....	.30	.30	.35
San Mateo.....	.20		.28
Santa Barbara.....	.10	.20	.35
Santa Clara.....	.20	.28	.25
Santa Cruz.....	.25	.30	.35
Shasta.....	.20	.25	.31
Sierra.....	.15	.15	.20
Siskiyou.....	.15	.15	.25
Solano.....	.15	.15	.32½
Sonoma.....	.26	.28	.35
Stanislaus.....	.13	.25	.35
Sutter.....	.20		.25
Tehama.....	.15	.15	.17
Trinity.....	.20	.25	.25
Tulare.....	.15	.15	.18
Tuolumne.....	.10	.30	.35
Yolo.....	.15	.25	.25
Yuba.....	.10	.10	.15

TABLE 4.

STATEMENT showing the amount of school money raised by county and city taxes in each county, for each child between 5 and 15 years age, for the school years 1866 and 1867.

COUNTIES.	1866.	1867.	Rate of county tax, 1867.
Alameda.....	\$5 62	\$5 05	.30
Alpine.....	7 41	12 46	.20
Amador.....	2 76	3 19	.35
Butte.....	2 96	4 29	.30
Calaveras.....	2 06	2 27	.35
Colusa.....	1 30	2 69	.13
Contra Costa.....	3 80	4 60	.30
Del Norte.....	3 67	4 79	.....
El Dorado.....	3 20	5 19	.30
Fresno.....	93	2 56	.10
Humboldt.....	2 85	3 53	.24
Inyo.....	.....	10 59	.....
Kern.....	.....	.....	.....
Klamath.....	2 63	3 42	.15
Lake.....	1 24	2 13	.35
Lassen.....	2 34	3 09	.22
Los Angeles.....	1 77	2 65	.35
Marin.....	3 76	4 42	.20
Mariposa.....	3 15	2 92	.30
Mendocino.....	82	4 82	.27
Merced.....	4 38	4 73	.20
Mono.....	.....	.....	.....
Monterey.....	1 91	3 08	.35
Napa.....	3 08	5 37	.25
Nevada.....	5 87	6 28	.27
Placer.....	2 88	6 35	.15
Plumas.....	1 52	3 47	.20
Sacramento.....	9 29	9 43	.15
San Bernardino.....	86	1 69	.35
San Diego.....	1 05	2 99	.25
San Francisco.....	13 83	12 89	.35
San Joaquin.....	4 35	4 36	.28
San Luis Obispo.....	2 20	3 90	.35
San Mateo.....	3 01	4 29	.28
Santa Barbara.....	93	1 72	.35
Santa Clara.....	4 13	7 17	.25
Santa Cruz.....	2 17	2 37	.35
Shasta.....	2 36	2 53	.31
Sierra.....	3 11	6 53	.20
Siskiyou.....	2 79	4 51	.25
Solano.....	1 67	3 72	.32
Sonoma.....	2 72	3 74	.35
Stanislaus.....	2 00	3 39	.35
Sutter.....	2 09	4 65	.25
Tehama.....	4 02	5 06	.17
Trinity.....	3 60	3 34	.25
Tulare.....	2 24	2 48	.18
Tuolumne.....	2 17	3 39	.35
Yolo.....	3 68	3 33	.25
Yuba.....	2 18	5 83	.15

TABLE 5.

STATEMENT *by counties, showing the amount for each child between 5 and 15 years of age, derived from all sources of school revenue, for the school years 1866 and 1867.*

COUNTIES.	1866.	1867.
Alameda.....	\$11 53	\$10 89
Alpine.....	10 12	18 53
Amador.....	6 47	8 22
Butte.....	8 39	10 74
Calaveras.....	7 24	4 98
Colusa.....	6 68	5 87
Contra Costa.....	7 76	14 41
Del Norte.....	8 23	9 83
El Dorado.....	10 02	13 37
Fresno.....	6 81	7 91
Humboldt.....	7 16	6 05
Inyo.....		17 64
Ken.....		11 52
Klamath.....	4 69	9 64
Lake.....	3 66	6 85
Lassen.....	16 62	15 26
Los Angeles.....	6 77	6 45
Marin.....	8 06	13 50
Mariposa.....	6 82	7 65
Mendocino.....	6 26	10 70
Merced.....	6 45	9 62
Mono.....		
Monterey.....	4 33	7 10
Napa.....	10 26	11 07
Nevada.....	10 43	11 85
Placer.....	8 38	12 92
Plumas.....	7 96	10 48
Sacramento.....	12 25	14 09
San Bernardino.....	3 42	5 18
San Diego.....	5 19	8 15
San Francisco.....	20 31	25 07
San Joaquin.....	9 49	11 77
San Luis Obispo.....	7 87	8 67
San Mateo.....	9 29	11 55
Santa Barbara.....	4 49	6 44
Santa Clara.....	10 21	14 52
Santa Cruz.....	7 71	7 34
Shasta.....	5 89	8 53
Sierra.....	9 23	16 28
Siskiyou.....	11 49	11 21
Solano.....	8 41	9 89
Sonoma.....	7 72	10 31
Stanislaus.....	7 04	10 03
Sutter.....	6 66	10 49
Tehama.....	11 38	11 67
Trinity.....	8 79	9 09
Tulare.....	6 23	9 08
Tuolumne.....	5 83	7 40
Yolo.....	8 77	9 94
Yuba.....	10 42	11 70

TABLE 6.

STATISTICAL TABLE, showing by counties the number of children between 5 and 15 years of age, and the average number belonging to public schools, for the school years 1866 and 1867.

COUNTIES.	Total number of children between 5 and 15 years of age.		Average number belonging to public schools.		No. not attending any school.
	1866.	1867.	1866.	1867.	1867.
Alameda.....	2,742	3,396	981	1,348	807
Alpine.....	169	130	91	80	36
Amador.....	1,813	1,979	917	929	385
Butte.....	1,849	1,918	1,026	938	423
Calaveras.....	2,266	2,350	981	986	510
Colusa.....	616	734	209	206	237
Contra Costa.....	1,745	1,899	646	731	464
Del Norte.....	179	247	100	99	71
El Dorado.....	2,498	2,396	1,368	1,361	405
Fresno.....	283	408	107	135	130
Humboldt.....	1,015	1,078	486	484	182
Inyo.....	41	57	.....	36	.....
Kern.....	.....	235	.....	27	44
Klamath.....	132	169	20	25	34
Lake.....	657	728	344	387	163
Lassen.....	250	291	162	133	48
Los Angeles.....	2,504	3,253	421	528	1,743
Marin.....	859	1,018	371	424	229
Mariposa.....	791	840	306	412	203
Mendocino.....	1,556	1,512	824	947	202
Merced.....	367	417	134	295	140
Mono.....	.....	.....	.....	.....	39
Monterey.....	1,443	1,377	398	636	627
Napa.....	1,359	1,459	666	6,612	272
Nevada.....	2,980	3,600	1,189	1,364	764
Placer.....	1,914	2,121	784	1,138	470
Plumas.....	570	564	229	290	187
Sacramento.....	4,384	4,553	2,506	2,488	661
San Bernardino.....	1,149	1,322	416	435	483
San Diego.....	342	383	44	32	.....
San Francisco.....	17,388	20,253	8,694	10,846	2,781
San Joaquin.....	3,307	3,492	2,023	2,221	442
San Luis Obispo.....	545	658	84	148	400
San Mateo.....	933	1,122	344	498	212
Santa Barbara.....	1,243	1,332	408	191	894
Santa Clara.....	4,118	4,608	1,764	1,828	1,193
Santa Cruz.....	1,756	2,154	631	803	748
Shasta.....	811	819	404	353	112
Sierra.....	925	916	480	579	198
Siskiyou.....	925	1,099	477	478	190
Solano.....	2,325	2,608	1,018	1,235	354
Sonoma.....	4,850	5,191	2,460	2,581	997
Stanislaus.....	593	674	272	380	203
Sutter.....	1,005	1,044	329	479	204
Tehama.....	624	638	312	340	111
Trinity.....	383	403	184	229	55
Tulare.....	861	1,020	287	337	262
Tuolumne.....	1,808	1,873	734	759	495
Yolo.....	1,415	1,675	653	825	175
Yuba.....	1,891	2,087	807	718	470
Totals.....	84,179	94,213	38,081	46,332	20,407

TABLE 7.

STATEMENT *by counties, showing the total amount of school expenditures for the school years 1865, 1866, and 1867.*

COUNTIES.	1865.	1866.	1867.
Alameda.....	\$22,785 10	\$29,901 86	\$36,005 61
Alpine.....	1,316 47	1,468 26	2,409 21
Amador.....	14,592 65	9,816 49	16,278 68
Butte.....	15,071 58	15,359 98	20,615 26
Calaveras.....	15,878 31	17,056 99	9,634 83
Colusa.....	3,436 59	3,852 66	4,314 31
Contra Costa.....	10,767 26	9,839 34	25,280 67
Del Norte.....	2,394 46	1,330 32	2,430 43
El Dorado.....	26,815 87	23,344 95	30,027 59
Fresno.....	649 45	1,934 53	3,228 30
Humboldt.....	5,159 21	6,100 39	10,562 88
Inyo.....			1,005 75
Kern.....			2,709 45
Klamath.....	920 00	601 00	1,630 48
Lake.....	1,502 42	2,381 85	5,022 22
Lassen.....	3,727 75	3,932 01	4,441 01
Los Angeles.....	11,359 54	12,879 64	21,082 02
Marin.....	3,904 00	4,046 11	13,801 87
Mariposa.....	5,727 94	4,622 86	6,431 89
Mendocino.....	7,644 34	8,951 53	16,320 72
Merced.....	2,954 49	1,859 00	4,014 98
Mono.....			
Monterey.....	7,467 88	5,670 32	9,785 02
Napa.....	15,689 44	12,795 97	16,152 15
Nevada.....	23,011 68	25,960 61	42,669 14
Placer.....	15,944 41	14,909 63	27,317 35
Plumas.....	5,015 84	4,107 78	5,914 79
Sacramento.....	61,792 20	48,826 97	64,188 10
San Bernardino.....	3,715 07	2,517 08	6,855 03
San Diego.....	1,211 32	889 18	3,121 66
San Francisco.....	346,862 17	361,668 84	507,822 95
San Joaquin.....	46,512 95	28,903 39	41,119 88
San Luis Obispo.....	2,095 12	3,377 88	5,706 50
San Mateo.....	9,106 27	4,655 05	12,958 78
Santa Barbara.....	2,780 12	3,289 46	8,574 18
Santa Clara.....	35,701 56	34,893 71	66,928 01
Santa Cruz.....	8,209 71	12,234 99	15,809 18
Shasta.....	5,174 66	3,941 25	6,982 99
Sierra.....	11,100 95	6,253 44	14,914 13
Siskiyou.....	9,185 48	10,063 26	12,317 88
Solano.....	17,905 50	17,746 31	25,787 73
Sonoma.....	35,998 64	32,385 41	53,511 38
Stanislaus.....	5,059 98	4,604 67	6,757 54
Sutter.....	7,283 03	6,007 08	10,946 85
Tehama.....	5,837 75	6,598 89	7,444 21
Trinity.....	3,269 05	3,437 77	3,661 96
Tulare.....	4,997 54	5,435 96	9,262 33
Tuolumne.....	8,105 67	10,327 15	13,851 51
Yolo.....	9,598 57	11,373 94	16,689 63
Yuba.....	17,876 57	16,983 42	24,413 91
Totals.....	\$883,116 56	\$859,229 19	\$1,163,348 83

T A B L E 8.

STATISTICAL TABLE *by years, showing the total expenditures for public schools in the State of California from 1852 to 1867, the assessable property of the State, and the percentage of expenditures on taxable property.*

YEARS.	Total assessable property.	YEARS.	Total expenditures.	Rate per each \$100.
1851.....	\$49,231,000	1852.....	\$33,449	.0679
1852.....	64,579,000	1853.....	65,645	.1016
1853.....	95,335,000	1854.....	275,606	.2890
1854.....	111,191,000	1855.....	334,638	.3009
1855.....	103,887,000	1856.....	305,221	.2938
1856.....	95,007,000	1857.....	307,832	.3240
1857.....	126,059,000	1858.....	339,914	.2696
1858.....	123,955,000	1859.....	427,003	.3444
1859.....	131,060,000	1860.....	474,263	.3618
1860.....	148,193,000	1861.....	470,113	.3172
1861.....	147,811,000	1862.....	441,228	.2985
1862.....	160,369,000	1863.....	483,407	.3014
1863.....	174,104,000	1864.....	655,198	.3763
1864.....	180,484,000	1865.....	883,116	.4893
1865.....	183,509,000	1866.....	859,229	.4680
1866.....	200,000,000	1867.....	1,163,348	.581

758	641	1,399	729	615	1,344	6	2	8	5	2	7	20	16	36	14	12	26
Monterey.....																	
663	643	1,306	699	702	1,401	7	4	11	10	10	20	19	23	42	23	15	38
Napa.....																	
1,530	1,411	2,941	1,835	1,722	3,557	16	17	33	17	19	36	4	2	6	3	4	7
Nevada.....																	
975	931	1,906	1,835	1,026	2,115					1	1	1	7	8	2	3	5
Plumas.....																	
281	278	559	276	275	551	3		3	1	1	2	4	4	8	6	5	11
Sacramento.....																	
2,190	2,091	4,281	2,262	2,177	4,439	39	39	78	42	39	81	15	10	25	17	16	33
San Bernardino.....																	
586	552	1,138	654	654	1,308	2	6	8	9	3	12	3		3	1	1	2
176	159	335	174	164	338	1	6	7	2	3	5						
San Diego.....																	
8,502	8,721	17,223	9,910	10,178	20,088	64	82	146	79	86	165	9	10	19	18	22	40
San Francisco.....																	
1,652	1,603	3,285	1,744	1,698	3,442	11	8	19	24	25	49	2	1	3			
San Joaquin.....																	
278	261	539	327	315	642												
San Luis Obispo.....																	
486	441	927	596	523	1,119	1	2	3									
San Mateo.....																	
633	569	1,202	678	610	1,288												
Santa Barbara.....																	
2,061	2,012	4,073	2,321	2,229	4,550	15	14	29	20	15	35	19	22	41	21	23	44
Santa Clara.....																	
908	835	1,743	1,092	1,039	2,131	5	5	10	4	10	14	2	1	3	6	3	9
Santa Cruz.....																	
373	375	748	373	380	753	6	3	9	6	4	10	28	26	54	29	27	56
Shasta.....																	
482	437	919	486	425	911	5		5	4		4	1		1			1
Sierra.....																	
456	424	880	542	519	1,061	5		5	3								
Siskiyou.....																	
1,164	1,138	2,302	1,309	1,274	2,583												
Solano.....																	
2,407	2,336	4,743	2,378	2,514	5,092	7	11	18	9	11	20	61	28	89	48	31	79
Sonoma.....																	
300	293	503	343	331	674												
Stanislaus.....																	
504	498	1,002	532	523	1,055	1			2	1	3	2		2	5		6
Sutter.....																	
304	266	570	309	285	594	9	3	12	5	1	6	26	16	42	24	14	38
Tehama.....																	
Trinity.....																	
177	161	338	184	169	353	3	1	4	3	1	4	18	23	41	26	20	46
Tulare.....																	
444	395	839	525	478	1,003	5	6	11	6	5	11	8	3	11	3	3	6
Tuolumne.....																	
935	855	1,790	926	917	1,843	3	12	15	9	15	24	3		3	2	4	6
Yolo.....																	
694	700	1,394	845	808	1,650	1	1	2		2	2	13	6	19	19	4	23
Yuba.....																	
986	842	1,828	1,094	923	2,017	19	19	38	19	22	41	11	14	25	14	15	29
Totals.....	42,018	82,352	47,104	45,309	92,409	309	316	625	361	348	709	726	476	1,202	687	544	1,231

TABLE 9—Continued.

COUNTIES.	Total number of census children between 5 and 15 years of age.		Number of children under 5 years of age.						Number of children between 5 and 15 years of age who have attended public schools at any time during the year.					
	1866.	1867.	1866.			1867.			1866.			1867.		
			White...	Negro...	Indian.	White...	Negro...	Indian..	White...	Negro...	Indian..	White...	Negro...	Indian..
Alameda.....	2,742	3,396	1,880	6	3	1,970	4	20	1,438	5	.....	1,923	9	8
Alpine.....	169	130	61	8	1	61	.....	1	118	.....	.....	92	.....	.....
Amador.....	1,813	1,979	955	8	10	817	7	10	1,310	.....	.....	1,371	13	.....
Butte.....	1,849	1,918	933	3	16	909	4	12	1,183	2	1	1,266	.....	2
Calaveras.....	2,266	2,350	1,328	4	3	1,214	1	1	1,368	.....	.....	1,408	.....	.....
Colusa.....	616	734	319	1	17	338	1	2	296	2	1	391	.....	1
Contra Costa.....	1,745	1,899	936	1	.....	1,017	4	.....	885	.....	.....	1,166	.....	.....
Del Norte.....	179	217	113	7	6	122	1	9	112	.....	.....	128	.....	.....
El Dorado.....	2,498	2,396	1,371	2	16	1,332	14	6	1,735	.....	2	1,759	20	7
Fresno.....	283	408	169	.....	32	210	1	46	150	.....	1	180	.....	1
Humboldt.....	1,015	1,078	536	.....	50	587	.....	20	640	.....	17	706	.....	10
Inyo.....	41	57	28	.....	.....	40	.....	.....	.....	45	.....	65	.....	.....
Kern.....	.....	235	.....	.....	.....	165	.....	.....	.....	.....	.....	44	.....	.....
Klamath.....	132	169	65	.....	.....	73	.....	70	24	.....	.....	23	.....	8
Lake.....	637	728	326	.....	12	384	.....	2	423	.....	.....	471	.....	.....
Lassen.....	250	291	176	.....	.....	173	.....	.....	201	.....	.....	241	.....	.....
Los Angeles.....	2,504	3,253	1,339	14	25	1,597	16	86	675	13	8	816	16	2
Marin.....	859	1,018	487	.....	1	510	.....	9	428	.....	.....	485	.....	.....
Mariposa.....	791	840	417	10	5	499	8	4	469	.....	1	468	.....	.....
Mendocino.....	1,556	1,512	732	.....	13	854	.....	17	890	.....	.....	1,007	.....	.....
Merced.....	367	417	224	5	.....	243	6	.....	153	.....	.....	219	.....	.....
Mono.....	.....	136	.....	.....	.....	84	.....	.....	.....	.....	.....	42	.....	.....
Monterey.....	1,443	1,377	667	9	4	764	2	8	532	.....	.....	656	.....	.....
Napa.....	1,359	1,459	816	.....	.....	799	7	5	799	5	.....	850	14	1
Nevada.....	2,980	3,600	1,976	13	1	2,502	6	.....	1,674	.....	.....	1,874	18	.....

Placer.....	1,914	2,121	1,205	.....	4	1,215	.....	1	1,213	.....	1	1,460	.....	1
Plumas.....	570	564	405	.....	6	477	.....	5	284	.....	2	350	.....	3
Sacramento.....	4,553	4,553	2,489	39	2	2,753	45	4	3,052	51	1	3,347	57	2
San Bernardino.....	1,149	1,322	530	.....	.....	616	1	12	672	.....	.....	667	.....	.....
San Diego.....	342	383	110	2	.....	214	.....	136	.....	.....	.....	32	.....	.....
San Francisco.....	17,388	20,253	13,238	64	4	14,457	.....	.....	9,119	87	.....	11,252	.....	.....
San Joaquin.....	3,307	3,492	1,822	12	2	2,030	6	3	2,412	13	.....	2,704	36	.....
San Luis Obispo.....	545	658	311	.....	.....	357	.....	24	164	.....	.....	212	.....	.....
San Mateo.....	933	1,122	611	.....	.....	589	.....	.....	545	.....	.....	680	.....	2
Santa Barbara.....	1,243	1,332	310	.....	88	84	.....	48	334	.....	.....	57	.....	.....
Santa Clara.....	4,118	4,608	2,372	13	6	2,497	13	1	2,168	19	.....	2,538	27	.....
Santa Cruz.....	1,756	2,154	1,011	6	7	1,182	6	4	882	.....	.....	1,110	6	.....
Shasta.....	811	819	458	2	5	104	4	6	493	7	13	512	10	9
Sierra.....	916	916	630	.....	.....	597	6	.....	635	.....	.....	674	2	.....
Siskiyou.....	925	1,099	758	11	33	544	8	12	602	.....	.....	630	.....	1
Solano.....	2,325	2,608	1,428	1	1	1,495	3	2	1,430	.....	2	1,566	.....	1
Sonoma.....	4,850	5,191	2,709	5	21	2,711	5	5	2,882	2	.....	3,256	.....	3
Stanislaus.....	593	674	347	.....	.....	351	.....	4	369	.....	.....	458	.....	.....
Sutter.....	1,044	1,044	732	.....	2	641	2	2	688	1	2	787	.....	.....
Tehama.....	624	638	382	3	7	346	5	6	365	1	2	429	4	3
Trinity.....	353	403	330	2	13	309	3	11	240	.....	6	248	3	6
Tulare.....	861	1,020	505	2	.....	598	6	2	526	.....	.....	486	.....	.....
Tuolumne.....	1,898	1,873	1,134	5	4	973	.....	.....	1,083	.....	.....	1,046	.....	.....
Yolo.....	1,415	1,675	709	.....	1	804	.....	.....	825	.....	1	1,153	.....	.....
Yuba.....	1,891	2,087	1,211	18	6	1,124	17	.....	1,077	12	2	1,102	21	4
Totals.....	84,179	94,379	51,661	277	427	54,318	197	578	27,623	220	63	54,395	256	75

Monterey.....	225	.....	125	.....	714	.....	627	7	21	1	4	.....	2	.....
Napa.....	187	.....	338	1	299	.....	272	.....	10	1	3	.....	.....	.....
Nevada.....	538	4	680	.....	627	.....	764	2	.....	.....	.....	.....	.....	.....
Placer.....	336	.....	145	.....	406	.....	470	.....	.....	12	16	.....	.....	4
Plumas.....	98	1	17	.....	222	.....	187	2	6	.....	2	.....	.....	.....
Sacramento.....	410	6	434	3	768	.....	661	18	.....	22	52	.....	.....	20
San Bernardino.....	110	.....	95	.....	377	.....	483	.....	20	.....	1	.....	.....	.....
San Diego.....	16	.....	22	.....	.....	.....	.....	.....	.....	68	179	.....	.....	23
San Francisco.....	4,383	19	4,165	.....	3,725	.....	2,781	.....	.....	10	22	.....	.....	.....
San Joaquin.....	386	.....	235	5	486	.....	442	1	7	.....	.....	.....	.....	.....
San Luis Obispo.....	22	.....	45	.....	318	.....	400	.....	16	3	.....	.....	.....	.....
San Mateo.....	145	.....	135	.....	147	.....	212	3	1	.....	.....	.....	.....	.....
Santa Barbara.....	41	.....	8	.....	841	.....	894	.....	71	.....	.....	.....	.....	.....
Santa Clara.....	1,687	3	878	2	1,231	.....	1,193	6	23	4	5	.....	2	.....
Santa Cruz.....	144	.....	281	1	704	.....	748	1	.....	.....	.....	.....	.....	.....
Shasta.....	139	.....	193	.....	163	.....	12	.....	22	16	14	.....	.....	.....
Sierra.....	71	.....	38	.....	191	.....	198	.....	.....	6	5	.....	.....	.....
Siskiyou.....	106	.....	138	.....	223	.....	190	3	17	18	6	.....	.....	.....
Solano.....	443	.....	506	.....	440	.....	354	6	10	1	1	.....	.....	.....
Sonoma.....	717	4	721	.....	944	.....	997	15	39	5	8	.....	.....	.....
Stanislaus.....	38	.....	43	.....	121	.....	203	.....	8	.....	.....	.....	.....	.....
Sutter.....	86	.....	26	.....	213	.....	204	1	1	4	.....	.....	1	.....
Tehama.....	59	6	33	.....	154	.....	111	.....	15	2	4	.....	.....	.....
Trinity.....	54	.....	46	.....	64	.....	55	.....	34	23	10	.....	.....	.....
Tulare.....	181	.....	209	.....	142	.....	262	11	4	1	.....	.....	1	.....
Tuolumne.....	458	2	332	.....	409	.....	495	.....	.....	13	12	.....	1	2
Yolo.....	197	.....	308	.....	250	.....	175	.....	4	1	.....	.....	.....	.....
Yuba.....	485	3	473	2	310	.....	470	4	18	25	24	.....	.....	.....
Totals.....	15,569	75	13,977	34	20,446	247	20,407	148	874	361	412	12	62	.....

T A B L E 1 0 .

STATEMENT by counties of statistics from reports of Common School Teachers.

COUNTIES.	Whole number of boys enrolled on Register.		Whole number of girls enrolled on Register.		Total number enrolled.		Average number belonging.		Average daily attendance.		Percentage of attendance on average number belonging.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda.....	580	1,186	548	1,098	1,128	2,284	981	1,348	863	1,188	.87	.87
Alpine.....	49	48	48	50	97	98	91	80	83	71	.87	.90
Amador.....	676	743	559	638	1,235	1,381	917	929	794	803	.84	.96
Butte.....	686	750	624	612	1,310	1,362	1,026	938	912	844	.88	.90
Calaveras.....	691	734	634	672	1,325	1,406	981	986	892	855	.90	.85
Colusa.....	183	193	154	178	337	369	209	206	176	177	.83	.90
Contra Costa.....	436	604	426	519	862	1,123	646	731	558	631	.87	.89
Del Norte.....	80	74	59	50	139	124	100	99	96	72	.89	.83
El Dorado.....	891	949	850	936	1,741	1,885	1,368	1,361	1,222	1,223	.87	.89
Fresno.....	85	99	76	82	161	181	107	135	99	116	.93	.86
Humboldt.....	394	371	294	288	688	659	486	484	431	427	.85	.86
Inyo.....	.....	19	.....	20	.....	38	.....	36	.....	32	.....	.96
Kern.....	.....	24	.....	19	.....	43	.....	27	.....	10	.....	.73
Klamath.....	12	29	12	12	24	41	20	25	13	22	.90	.....
Lake.....	258	291	206	234	464	525	344	387	265	334	.74	.88
Lassen.....	105	117	94	96	199	213	162	133	124	122	.79	.81
Los Angeles.....	309	393	272	350	581	743	421	528	376	455	.84	.90
Marin.....	273	344	204	243	477	587	371	424	327	419	.88	.98
Mariposa.....	177	333	157	253	334	586	306	341	276	372	.90	.87
Mendocino.....	452	652	437	536	889	1,188	824	917	720	833	.84	.88
Merced.....	421	646	225	480	646	417	134	295	404	271	.63	.80
Monterey.....	.....	6	.....	14	.....	20	.....	19	.....	17	.....	.85
Monterey.....	302	812	199	382	501	1,194	398	636	337	537	.85	.84

Napa.....	548	509	491	446	1,039	955	666	6,612	591	5,985	.88	.90
Nevada.....	656	1,132	599	967	1,255	2,099	1,189	1,364	983	1,202	.82	.90
Placer.....	610	776	544	709	1,154	1,485	784	1,138	687	986	.84	.86
Plumas.....	148	201	142	198	290	391	229	290	198	259	.86	.88
Sacramento.....	1,859	1,885	1,718	1,826	3,577	3,711	2,506	2,488	2,201	2,070	.87	.85
San Bernardino.....	358	357	314	324	672	681	416	435	332	373	.79	.84
San Diego.....	24	20	27	19	51	39	44	32	35	30	.60	.93
San Francisco.....	5,419	6,000	4,734	7,000	10,153	13,000	8,694	10,846	7,949	10,177	.91	.93
San Joaquin.....	1,553	1,658	1,345	1,393	2,898	3,051	2,023	2,221	1,780	1,886	.88	.85
San Luis Obispo.....	70	88	63	86	133	174	84	148	65	121	.78	.81
San Mateo.....	276	362	221	284	497	646	344	498	300	436	.84	.91
Santa Barbara.....	157	148	175	149	332	297	298	191	180	150	.68	.91
Santa Clara.....	1,342	1,436	1,048	1,200	2,390	2,636	1,764	1,828	1,578	1,625	.89	.88
Santa Cruz.....	699	803	595	658	1,294	1,461	631	803	551	701	.83	.87
Shasta.....	265	245	262	227	527	472	404	353	364	286	.85	.87
Sierra.....	320	436	285	364	605	802	480	579	427	525	.88	.91
Siskiyou.....	309	344	293	340	602	648	477	478	415	418	.86	.94
Solano.....	650	1,010	550	863	1,200	1,873	1,018	1,235	903	999	.87	.87
Sonoma.....	1,809	1,922	1,673	1,702	3,482	3,624	2,460	2,581	2,202	2,272	.88	.90
Stanislaus.....	198	233	157	218	355	451	272	380	236	291	.89	.84
Sutter.....	270	357	216	336	486	693	329	479	282	416	.81	.80
Tehama.....	277	326	218	254	495	580	312	340	265	302	.84	.88
Trinity.....	139	145	115	132	254	277	184	229	191	201	.70	.85
Tulare.....	234	273	181	238	415	511	287	337	245	300	.85	.89
Tuolumne.....	551	587	455	536	1,006	1,123	734	759	658	667	.89	.87
Yolo.....	541	615	496	559	1,037	1,174	653	825	645	699	.85	.85
Yuba.....	519	662	417	416	936	1,078	807	23	717	20	.86	.87
Totals.....	26,861	31,943	24,412	29,284	50,273	62,227	38,081	45,637	33,989	43,271	.89	.94

TABLE 11.

FINANCIAL STATEMENT showing the receipts from all sources of school revenue for the school years ending June 30th, 1866 and 1867.

COUNTIES.	By balance on hand at beginning of school year.		By cash received from State apportionment.		By cash received from county taxes.		By cash received from city taxes.	
	1865.	1866.	1865-6.	1866-7.	1865-6.	1866-7.	1865-6.	1866-7.
Alameda.....	\$3,266 39	\$4,318 20	\$4,197 80	\$8,774 40	\$14,270 09	\$16,565 69	\$1,146 97	\$659 40
Alpine.....	9 95	261 70	450 36	540 80	1,252 09	1,566 79	.....	.....
Amador.....	1,625 96	1,352 30	2,934 34	5,801 60	5,005 34	6,317 00	.....	.....
Butte.....	1,567 01	1,159 43	2,942 63	5,916 80	3,470 41	8,227 28	.....	.....
Calaveras.....	875 58	1,159 78	3,545 97	7,251 20	4,668 96	5,325 10	.....	.....
Colusa.....	450 31	134 13	777 01	2,021 24	800 84	1,977 36	.....	.....
Contra Costa.....	1,491 94	3,920 58	2,646 56	5,344 00	6,638 59	8,743 91	.....	.....
Del Norte.....	330 13	107 26	298 85	572 80	656 63	1,182 95	.....	.....
El Dorado.....	1,549 22	1,804 63	4,278 42	7,913 60	8,002 80	11,024 95	.....	1,422 95
Fresno.....	301 26	.....	243 25	905 60	264 02	1,046 12	.....	.....
Humboldt.....	1,898 99	2,493 05	1,291 31	3,248 00	2,294 63	3,807 01	600 00	.....
Inyo.....	.....	92 89	.....	131 20	.....	603 82	.....	.....
Kern.....	.....	39 00	79 23	422 40	348 09	578 68	.....	.....
Klamath.....	.....	8 89	921 57	2,102 40	817 85	1,553 71	.....	.....
Lake.....	59 90	.....	458 70	800 00	584 80	900 28	.....	.....
Lassen.....	131 40	121 60	.....	.....	.....	.....	.....	.....
Los Angeles.....	8,008 77	4,897 41	3,698 79	8,012 80	4,436 56	8,001 43	.....	632 17
Marin.....	1,280 55	2,892 76	1,269 07	2,748 80	3,231 06	4,499 75	.....	.....
Mariposa.....	263 16	351 46	1,278 80	2,531 20	2,491 64	2,455 51	.....	.....
Mendocino.....	331 45	143 07	1,768 08	4,963 20	1,272 00	7,280 60	.....	.....
Merced.....	122 01	831 99	539 32	1,174 40	1,605 86	1,973 59	.....	.....
Mono.....	.....	.....	.....	.....	.....	.....	.....	.....
Monterey.....	955 90	927 32	2,371 13	4,617 60	2,753 11	4,240 10	.....	.....
Napa.....	2,056 97	1,151 77	2,116 97	4,348 80	4,183 53	7,835 41	.....	.....
Nevada.....	2,138 67	4,118 03	4,530 01	9,536 85	17,485 85	22,630 00	.....	.....
Placer.....	1,489 85	2,170 74	2,817 53	6,124 80	5,525 00	13,480 30	.....	.....
Plumas.....	121 13	125 33	820 10	1,824 00	869 97	1,957 37	.....	.....

Sacramento.....	3,341 04	3,816 93	6,852 70	14,028 80	26,724 53	29,853 28	14,038 76	13,076 80
San Bernardino.....	974 93	1,043 26	1,619 35	3,676 80	991 78	2,235 37	.....	.....
San Diego.....	869 25	887 13	546 27	1,094 40	360 79	1,140 13	.....	.....
San Francisco.....	15,264 48	.....	28,607 59	55,611 60	.....	.....	240,582 04	261,186 27
San Joaquin.....	944 28	2,490 26	5,354 28	10,582 40	10,547 29	15,212 20	3,839 25	.....
San Luis Obispo.....	2,319 14	972 91	771 45	1,744 00	1,291 74	2,565 96	.....	.....
San Mateo.....	4,345 56	4,012 95	1,349 69	2,985 60	2,809 00	4,809 70	.....	.....
Santa Barbara.....	2,424 07	2,298 75	2,012 72	3,977 60	1,151 42	2,291 83	.....	.....
Santa Clara.....	6,807 63	7,192 51	6,637 25	13,132 80	11,235 35	27,291 60	5,670 06	5,740 95
Santa Cruz.....	1,969 09	326 53	2,528 41	5,619 20	3,816 85	5,113 53	.....	.....
Shasta.....	417 34	.....	1,303 82	2,395 20	1,913 52	2,075 67	.....	.....
Sierra.....	1,811 28	2,148 78	1,631 86	2,960 00	2,872 31	5,983 67	.....	.....
Siskiyou.....	1,533 00	769 51	1,484 52	2,960 00	2,563 26	4,942 24	.....	.....
Solano.....	519 35	1,843 87	3,622 34	7,440 00	3,882 94	9,706 88	.....	.....
Sonoma.....	1,715 89	4,728 04	7,713 11	15,520 00	12,429 76	19,400 00	742 93	.....
Stanislaus.....	175 38	242 59	859 02	1,897 60	1,189 11	2,283 05	.....	.....
Sutter.....	.....	191 93	1,712 48	3,216 00	2,101 89	4,859 72	.....	.....
Tehama.....	1,703 55	561 24	922 96	1,996 80	2,508 25	3,227 46	.....	.....
Trinity.....	214 58	351 82	582 41	1,225 60	1,380 09	1,384 00	.....	.....
Tulare.....	.....	136 43	1,759 74	2,755 20	1,929 32	2,535 57	.....	.....
Tuolumne.....	163 59	1,356 42	2,920 39	5,654 40	3,920 71	5,871 05	.....	485 52
Yolo.....	443 27	785 30	2,016 89	4,528 00	5,208 32	5,578 96	.....	.....
Yuba.....	5,368 04	4,815 65	3,279 66	6,051 20	4,132 47	8,509 50	.....	3,657 97
Totals	\$83,712 25	\$71,279 92	\$132,410 71	\$263,910 84	\$199,820 39	\$302,945 36	\$270,847 52	\$292,773 00

COUNTIES.

	By cash received from district taxes.		By cash received from miscellaneous sources.		Amount received from rate bills and subscription, as reported by School Trustees.		Total receipts.	
	1865-6.	1866-7.	1865-6.	1866-7.	1865-6.	1866-7.	1865-6.	1866-7.
Alameda.....	\$6,659 24	\$3,117 29	\$126 19	\$77 00	\$1,977 63	\$3,114 03	\$31,315 12	\$36,005 61
Alpine.....	742 73	1,655 20	212 25	184 12	1,231 92	94 00	1,712 40	2,409 21
Amador.....	3,466 36	13 00	864 14	5 00	1,305 65	1,524 46	11,752 54	16,278 68
Butte.....	1,855 20	842 25	374 04	687 50	4,988 84	4,369 00	15,616 20	20,615 26
Calaveras.....	1,475 30		60 05	2 16	551 27	180 00	16,408 57	9,634 83
Colusa.....	333 17	2,501 91			2,446 79	4,770 27	4,117 80	4,314 31
Contra Costa.....	42 67		65 75	529 50	79 50		13,557 05	25,280 67
Del Norte.....	5,803 89	1,158 92	1,418 75	2,333 38	3,990 00	4,380 16	1,473 53	2,430 43
El Dorado.....					1,120 00	1,276 58	25,043 08	30,037 59
Fresno.....					1,063 62	785 45	1,928 53	3,228 30
Humboldt.....	131 33	229 37					7,279 88	10,562 88
Inyo.....				191 00				1,005 75
Kern.....				2,709 45				2,709 45
Klamath ..				612 50	193 00		620 32	1,630 48
Lake.....				4 75	607 50	706 73	2,406 82	5,022 22
Lassen.....	2,512 15	1,922 20			470 40	707 81	4,417 45	4,411 01
Los Angeles.....	753 60			353 16		20 00	16,957 72	21,082 02
Marin.....			300 00	1,169 07	850 35	1,862 77	6,931 03	13,801 87
Mariposa.....	759 40	602 29	255 00	300 00	352 43	310 85	5,400 43	6,431 89
Mendocino.....	1,921 38	1,660 65		1,720 28	3,772 73	2,273 02	9,065 64	16,320 72
Merced.....			99 98	35 00			2,367 17	4,014 98
Mono.....								
Monterey.....					180 00		6,260 14	9,785 02
Napa.....	2,025 98	753 53	23 88	25 00	3,540 41	2,037 64	13,947 74	16,152 15
Nevada.....	732 25	269 75	14 00	410 00	6,185 60	6,289 23	31,086 35	42,669 14
Placer.....	2,469 11	600 00	464 60	262 38	3,273 57	4,659 17	16,039 66	27,317 35
Plumas.....	1,000 00	605 76	148 61	75 00	1,312 08	1,327 33	4,271 89	5,914 79
Sacramento.....	553 60	2,032 94		498 67	2,243 80	880 68	53,734 44	64,188 10
San Bernardino.....					382 16	230 00	3,968 22	6,855 03
San Diego.....							1,776 31	3,121 66
San Francisco.....			68,816 42	190,995 08			353,270 53	507,822 95

San Joaquin.....	7,836 31	2,806 24	229 25	772 40	2,642 99	2,636 01	31,393 65	41,119 88
San Luis Obispo.....	.....	.....	.....	246 26	.....	199 12	4,292 33	5,706 50
San Mateo.....	.....	879 51	.....	17 50	163 75	253 50	8,668 00	12,958 78
Santa Barbara.....	.....	.....	.....	6 00	.....	.....	5,588 21	8,974 18
Santa Clara.....	.....	8,094 26	602 68	907 78	5,690 67	4,568 11	42,070 64	66,928 01
Santa Cruz.....	5,427 00	3,462 21	.....	.....	1,759 10	1,287 21	13,551 51	15,809 18
Shasta.....	32 00	182 38	42 69	.....	1,073 38	1,978 99	4,782 75	6,982 99
Sierra.....	.....	297 27	.....	583 45	2,217 32	2,940 96	8,532 77	14,914 13
Siskiyou.....	2,733 15	969 40	.....	1,228 13	2,298 54	1,359 85	10,632 47	12,317 88
Solano.....	4,158 97	1,879 46	3,206 39	291 75	4,474 19	4,625 77	19,564 18	23,787 73
Sonoma.....	8,346 64	5,923 87	4 00	783 01	6,527 62	7,156 46	37,479 95	53,511 38
Stanislaus.....	974 41	846 95	.....	.....	378 77	605 40	4,176 69	6,757 54
Sutter.....	2,427 11	1,161 19	.....	302 00	457 02	1,241 23	6,698 50	10,946 85
Tehama.....	391 55	1,062 47	810 00	13 31	765 30	553 18	7,101 61	7,444 21
Trinity.....	93 14	.....	735 40	.....	361 25	1,006 50	3,366 86	3,661 96
Tulare.....	.....	.....	.....	.....	1,682 35	3,835 13	5,371 41	9,262 33
Troluene.....	1,379 06	348 45	.....	56 00	1,695 00	331 69	10,556 75	13,851 51
Yolo.....	1,937 59	819 23	27 00	2,546 22	2,784 35	2,391 92	12,417 42	16,649 63
Yuba.....	753 50	387 82	382 48	.....	2,207 45	991 77	19,873 11	24,413 91
Totals.....	\$73,175 85	\$58,954 74	\$79,283 55	\$210,837 81	\$79,600 30	\$81,966 31	\$918,788 57	\$1,242,447 31

T A B L E 1 2.

FINANCIAL STATEMENT showing school expenditures for the school years ending June 30th, 1866 and 1867.

COUNTIES.	To cash paid for teachers' salaries.		To cash paid for sites, buildings, repairs, and school furniture.		To cash paid for school libraries.		To cash paid for school apparatus.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda.....	\$15,838 15	\$31,184 12	\$12,395 99	\$0,645 42	\$26 00	.....	\$250 10	\$113 72
Alpine.....	1,210 00	1,879 24	191 84	21 00	.....	.....	.....	.....
Amador.....	9,234 16	11,672 26	321 50	566 87	.....	102 23	6 00	152 75
Butte.....	11,641 44	11,862 93	2,878 19	8,545 26	.....	583 17	123 62	281 00
Calaveras.....	11,349 83	12,887 96	4,932 18	1,672 10	10 00	96 50	117 74	75 49
Colusa.....	3,501 70	3,129 82	141 46	188 57	.....	199 30	24 00	25 30
Contra Costa.....	8,177 31	12,845 84	891 99	4,837 20	.....	523 40	165 00	175 20
Del Norte.....	1,209 70	1,575 33	3 87	506 12	.....	.....	.....	.....
El Dorado.....	17,416 53	19,829 52	4,165 77	2,772 47	.....	619 30	390 49	349 99
Fresno.....	1,520 00	2,627 10	350 53	377 63	.....	.....	12 00	10 00
Humboldt.....	5,558 78	5,774 93	201 47	1,109 54	.....	271 40	22 25	44 87
Inyo.....	.....	550 00	.....	12 37	.....	.....	.....	.....
Kern.....	.....	300 00	.....	.....	.....	.....	.....	.....
Klamath.....	600 00	1,218 76	.....	220 35	.....	.....	.....	.....
Lake.....	1,853 00	3,890 32	419 62	407 73	.....	180 62	31 75	111 75
Lassen.....	2,631 39	2,930 50	1,027 72	760 00	.....	.....	.....	.....
Los Angeles.....	9,238 28	10,456 02	3,008 41	3,398 66	97 01	517 08	64 63	114 84
Maricopa.....	2,777 75	5,903 01	891 39	2,778 60	1 50	47 36	48 75	31 75
Mariposa.....	4,256 24	4,819 00	139 42	938 72	12 00	142 40	.....	141 48
Monterey.....	7,236 00	10,277 50	1,461 28	927 81	.....	188 75	37 50	214 32
Morcedo.....	1,704 00	2,094 45	95 50	201 99	.....	17 28	19 00	.....
Mono.....	.....	225 00	.....	300 00	.....	.....	.....	.....
Monterey.....	4,541 75	6,583 46	287 86	272 20	.....	231 13	40 12	50 62
Napa.....	8,366 96	10,887 14	3,785 28	1,659 18	57 25	385 20	56 00	256 05
Nevada.....	19,047 61	24,686 00	4,072 71	5,740 17	226 50	407 00	155 50	248 78

Placer	15,300 24	3,663 80	5,783 43	15 00	252 32	26 25	181 00
Plumas	3,604 63	820 00	526 00	.....	960 00	15 00	.....
Sierrita	41,093 54	7,127 62	14,878 17	63 00	803 18	258 50	435 75
San Bernardino	3,841 60	294 69	921 25	.....	335 80	9 87	25 12
San Diego	500 00	291 18	158 70	.....	50 56	13 00	29 75
San Francisco	209,874 75	92,075 81	120,780 38	970 22	.....	.....	600 00
San Joaquin	27,243 24	6,062 61	4,890 17	.....	279 31	119 25	196 88
San Luis Obispo	2,944 98	533 70	23 16	.....	908 67	248 23	74 50
San Mateo	7,466 02	211 50	893 91	9 00	110 51	13 50	60 00
San Bernardino	4,361 25	288 10	1,092 50	.....	150 00	62 50	157 39
San Diego	31,449 16	7,185 53	9,663 51	2 00	308 38	410 11	173 60
San Diego	11,248 31	3,882 31	1,516 99	32 75	464 25	107 90	73 62
San Diego	5,481 50	218 57	1,101 11	15 00	.....	7 00	80 50
San Diego	10,609 67	677 82	1,121 87	.....	927 36	41 00	48 00
San Diego	8,605 78	759 41	680 00	476 63	276 79	37 00	78 00
San Diego	14,463 65	2,957 47	5,102 26	.....	531 18	346 50	362 70
San Diego	33,284 68	7,688 50	8,912 69	21 00	271 31	117 00	46 12
San Diego	4,394 65	1,066 90	919 46	.....	.....	55 00	42 00
San Diego	7,442 00	339 28	980 25	.....	.....	.....	30 56
San Diego	4,379 67	1,839 13	894 62	.....	158 88	24 00	115 00
San Diego	3,043 50	214 88	40 00	26 87	16 00	9 25	.....
San Diego	5,971 17	465 76	1,895 61	.....	50 00	.....	70 88
San Diego	9,103 91	1,800 87	793 28	10 00	132 38	156 10	121 14
San Diego	1,159 35	1,159 35	2,563 41	.....	473 19	104 75	20 50
San Diego	15,054 08	1,309 18	737 20	.....	209 11	129 75	45 00
Totals	\$696,110 28	\$185,056 42	\$238,070 61	\$2,074 81	\$10,475 01	\$4,059 47	\$5,431 83

TABLE 12—Continued.

COUNTIES.

	To cash paid for rent, fuel, and contingent expenses.		To cash drawn from the unapportioned County Fund for County Institute.		To cash drawn for payment of County Board of Examination.	
	1866.	1867.	1866.	1867.	1866.	1867.
Alameda	\$1,185 62	\$2,037 12	\$85 00	\$10 00	\$54 00	\$274 32
Alpine	14 42	66 16	.....	.....	19 00	15 00
Amador	227 83	634 25	.....	100 00	8 00	96 50
Butte	613 48	1,136 19	.....	.....	66 50	.....
Calaveras	543 93	587 17	.....	190 00	31 00	130 00
Colusa	129 50	146 62	.....	.....	32 00	15 00
Contra Costa	431 44	789 14	.....	.....	20 00	51 00
Del Norte	116 75	115 62	.....	.....	.....	.....
El Dorado	1,265 66	1,344 90	.....	100 00	60 00	113 50
Fresno .....	.....	220 48	.....	.....	45 00	.....
Humboldt	292 89	377 76	.....	25 00	.....	.....
Inyo .....	.....	.....	.....	.....	.....	.....
Kern .....	.....	226 45	.....	.....	.....	.....
Klamath .....	.....	36 37	.....	.....	.....	36 00
Lake	27 48	203 75	.....	.....	.....	3 00
Lassen	182 40	542 74	.....	.....	20 00	.....
Los Angeles	471 28	548 00	87 50	.....	.....	.....
Marin	326 72	614 97	.....	.....	.....	123 80
Mariposa	124 25	275 89	.....	.....	20 95	27 00
Mendocino	187 75	864 40	.....	100 00	29 00	78 00
Merced .....	.....	145 88	.....	.....	43 50	28 25
Monterey	18 00	512 13	.....	.....	.....	.....
Napa	457 99	712 35	100 00	100 00	40 00	42 00
Nevada	1,829 79	1,866 00	.....	200 00	15 00	48 00
Placer	1,013 65	1,180 89	100 00	.....	53 50	54 00
Plumas	281 50	341 07	100 00	75 00	25 00	36 00
Sacramento	5,920 38	8,218 11	.....	50 00	.....	.....
San Bernardino	137 30	118 38	.....	100 00	89 00	38 00
San Diego .....	.....	35 00	.....	13 00	9 00	46 00

T A B L E 12—Continued.

COUNTIES.

	To cash drawn for postage, binding books, and works on school architecture.		Total expenditures.		Balance on hand at close of school year.	
	1866.	1867.	1866.	1867.	1866.	1867.
Alameda.....	\$67 00	\$67 00	\$29,901 86	\$31,735 44	\$4,318 20	\$4,519 48
Alpine .....	.....	5 00	1,468 26	1,989 40	263 14	419 81
Amador.....	19 00	31 00	9,816 49	13,355 86	1,936 05	2,422 82
Butte.....	36 75	.....	15,359 98	22,408 55	359 47	.....
Calaveras.....	42 00	65 00	17,056 99	15,614 22	.....	.....
Colusa	24 00	24 20	3,852 66	3,728 81	265 14	585 51
Contra Costa.....	54 00	81 50	9,839 34	19,303 28	3,791 71	5,977 39
Del Norte.....	.....	.....	1,330 32	2,197 57	143 21	232 86
El Dorado.....	46 50	67 89	23,344 95	25,197 57	1,698 13	5,121 41
Fresno.....	7 00	7 00	1,934 53	3,242 21	.....	.....
Humboldt.....	22 00	20 00	6,100 39	7,626 50	1,179 48	2,936 38
Inyo .....	.....	.....	.....	562 37	.....	444 38
Kern.....	.....	5 00	.....	567 45	.....	2,142 00
Klamath	1 00	2 00	601 00	1,522 68	19 32	130 00
Lake.....	30 00	.....	2,381 85	4,797 17	24 97	225 05
Lassen.....	.....	.....	3,932 01	4,241 24	225 44	199 77
Los Angeles.....	.....	8 00	12,879 64	14,532 58	4,142 49	6,549 95
Marin.....	.....	17 00	4,046 11	9,365 72	2,884 92	4,436 15
Mariposa.....	50 00	15 00	4,622 86	6,350 78	777 57	81 11
Mendocino.....	.....	27 00	8,951 53	12,687 78	143 11	3,837 94
Merced .....	.....	.....	1,859 00	2,487 85	508 17	1,555 38
Mono.....	.....	.....	.....	525 00	.....	.....
Monterey.....	672 59	14 00	5,670 32	7,805 54	589 82	2,135 48
Napa.....	77 49	32 00	12,795 97	14,179 92	1,151 77	1,972 23
Nevada.....	475 00	26 00	25,960 61	33,047 95	5,125 74	10,467 21
Placer.....	69 00	54 00	14,909 63	22,602 88	1,130 03	11,624 47
Plumas.....	25 00	25 00	4,107 78	4,616 30	164 11	1,298 49
Sacramento.....	95 00	48 00	48,826 97	65,419 35	5,091 47	.....
San Bernardino.....	.....	9 00	2,517 08	5,315 61	450 74	1,339 42
San Diego.....	.....	.....	889 18	864 01	887 13	2,257 65

	\$2,067 33	\$1,211 34	\$859,229 19	\$1,156,150 01	\$59,559 38	\$147,145 36
San Francisco.....						
San Joaquin.....						
San Luis Obispo.....						
San Mateo.....						
Santa Barbara.....						
Santa Clara.....						
Santa Cruz.....						
Shasta.....						
Sierra.....						
Siskiyou.....						
Solano.....						
Sonoma.....						
Stanislaus.....						
Sutter.....						
Tehama.....						
Trinity.....						
Tulare.....						
Tuolumne.....						
Yolo.....						
Yuba.....						
Totals.....						

T A B L E 13.

MISCELLANEOUS SCHOOL STATISTICS.

COUNTIES.	Number of first grade schools.		Number of second grade schools.		Number of third grade schools.		Total number of schools.		Total number of school districts.	
	1866.		1867.		1866.		1866.		1866.	
	1867.		1867.		1867.		1867.		1867.	
Alameda	4	5	23	11	6	20	33	36	27	27
Alpine.....	3	2	3	3	1	.....	7	4	5	5
Amador	4	4	12	15	7	7	23	26	27	31
Butte.....	12	10	15	10	8	14	35	34	34	33
Calaveras.....	8	3	9	5	8	17	25	25	23	25
Colusa.....	.....	.....	13	.....	.....	13	.....	.....	17	13
Contra Costa.....	5	6	17	19	3	6	25	31	26	28
Del Norte.....	.....	.....	3	3	2	1	5	4	4	4
El Dorado.....	15	15	14	14	16	15	45	44	40	40
Fresno.....	.....	.....	.....	1	6	6	6	7	7	7
Humboldt	1	2	6	11	7	2	14	15	13	12
Inyo.....	.....	.....	.....	.....	.....	5	.....	5	.....	3
Kern.....	.....	.....	.....	.....	.....	2	.....	2	.....	5
Klamath.....	1	.....	.....	2	.....	1	1	3	1	3
Lake.....	.....	.....	7	7	4	5	11	12	1	12
Lassen.....	.....	.....	.....	.....	.....	.....	.....	8	9	8
Los Angeles.....	2	1	5	2	9	13	16	16	12	11
Marin.....	.....	2	.....	4	.....	12	16	18	17	18
Mariposa.....	.....	.....	1	2	9	9	10	4	9	9
Mendocino	2	1	5	4	19	25	26	30	23	29
Merced .....	.....	.....	.....	.....	.....	5	4	5	4	4

Mono.....	1	.....	3	6	.....	1	.....	1	.....	1	.....	1	.....	3
Monterey.....	6	.....	7	11	6	10	10	16	10	16	10	25	22	14
Napa.....	4	4	18	19	9	18	31	41	25	25	41	39	33	24
Nevada.....	11	11	9	7	15	21	35	39	33	39	33	12	12	32
Placer.....	.....	1	3	5	9	10	12	16	12	16	16	48	48	16
Plumas.....	3	26	50	19	10	17	63	62	48	62	48	11	11	48
Sacramento.....	.....	1	1	10	8	3	9	14	11	14	11	1	1	13
San Bernardino.....	.....	.....	.....	1	1	1	1	1	1	1	1	1	1	1
San Diego.....	.....	8	.....	.....	.....	24	24	35	1	35	1	1	1	1
San Francisco.....	13	13	.....	29	.....	26	.....	68	55	68	55	62	62	62
San Joaquin.....	.....	.....	3	.....	.....	.....	4	7	3	7	3	6	6	6
San Luis Obispo.....	1	1	6	7	1	7	11	15	11	15	11	14	14	14
San Mateo.....	2	2	4	3	.....	.....	6	5	3	5	3	3	3	3
Santa Barbara.....	10	13	29	26	21	25	60	64	44	64	44	47	47	47
Santa Clara.....	2	3	3	4	11	10	16	17	16	17	16	16	16	16
Santa Cruz.....	.....	.....	24	24	.....	.....	.....	24	21	24	21	21	21	21
Shasta.....	2	4	2	5	16	15	20	24	20	24	20	20	20	20
Sierra.....	4	3	11	8	7	17	22	28	20	28	20	26	26	26
Siskiyou.....	1	1	10	18	19	17	30	36	30	36	30	33	33	33
Solano.....	5	7	30	43	43	21	78	71	69	71	69	75	75	75
Sonoma.....	.....	.....	.....	7	12	7	12	14	11	14	11	14	14	14
Stanislaus.....	8	8	12	12	8	8	28	28	28	28	28	28	28	28
Sutter.....	2	2	3	3	8	7	13	12	11	12	11	10	10	10
Tehama.....	8	2	2	4	.....	3	10	9	9	9	9	8	8	8
Trinity.....	.....	.....	12	15	.....	1	12	16	13	16	13	14	14	14
Tulare.....	3	5	6	4	6	6	15	15	15	15	15	15	15	15
Tuolumne.....	.....	1	.....	28	.....	.....	29	29	31	29	31	33	33	33
Yolo.....	3	3	3	6	26	22	32	31	25	31	25	25	25	25
Yuba.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	146	168	389	426	378	471	913	1,083	891	1,083	891	981	981	981

TABLE 13—Continued.

COUNTIES.	Number of new districts organized.		Number of Trustees appointed by County Superintendent.		Number of school-houses built of brick.		Number of school-houses built of wood.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda	2	.....	3	10	.....	.....	28	30
Alpine	1	.....	10	5	.....	.....	1	1
Amador .....	.....	4	7	10	1	1	24	25
Butte	3	.....	6	10	1	1	30	1
Calaveras	2	2	13	9	.....	2	20	23
Colusa .....	.....	1	6	13	1	1	13	16
Contra Costa	1	2	12	18	.....	.....	19	27
Del Norte .....	.....	.....	7	1	.....	.....	4	4
El Dorado	1	2	25	15	.....	.....	41	42
Fresno	5	.....	21	18	.....	.....	4	5
Humboldt	2	.....	11	3	.....	.....	13	14
Inyo .....	.....	2	.....	9	.....	.....	.....	1
Kern .....	.....	4	.....	12	.....	.....	.....	.....
Klamath .....	.....	2	1	10	.....	.....	1	2
Lake	3	1	10	4	.....	.....	1	9
Lassen	1	.....	.....	.....	.....	.....	5	7
Los Angeles	2	5	7	14	2	3	5	10
Marin	4	1	11	11	.....	.....	14	17
Mariposa .....	.....	.....	.....	2	.....	.....	10	11
Menocino	5	6	13	25	.....	.....	23	28
Merced .....	.....	.....	4	7	.....	.....	3	4
Mono .....	.....	3	.....	9	.....	.....	.....	.....
Monterey .....	.....	3	.....	17	.....	.....	8	16

Napa	3	2	21	13	.....	.....	20	2
Nevada	3	6	25	28	1	1	30	26
Placer	2	2	19	12	.....	.....	25	33
Plumas	2	4	15	20	.....	.....	6	1
Sacramento	3	.....	38	23	4	4	52	52
San Bernardino	2	2	21	15	.....	7	3	.....
San Diego .....	.....	.....	1	.....	.....	.....	1	1
San Francisco .....	.....	.....	.....	.....	6	9	20	16
San Joaquin	3	3	47	.....	2	3	56	65
San Luis Obispo	2	3	6	15	.....	.....	3	6
San Mateo	3	2	15	6	.....	.....	14	14
Santa Barbara .....	.....	.....	.....	2	2	2	2	2
Santa Clara	1	3	31	20	1	3	48	51
Santa Cruz	1	.....	20	7	.....	.....	15	16
Shasta	1	1	6	24	.....	1	.....	1
Sierra	2	1	20	20	.....	.....	20	18
Siskiyou	2	8	15	47	.....	.....	18	20
Solano	3	3	27	22	1	1	22	23
Sonoma	4	7	58	70	1	1	63	66
Stanislaus .....	.....	3	3	13	1	1	11	13
Sutter	2	.....	12	.....	2	.....	2	.....
Tehama	1	.....	7	11	.....	2	8	7
Trinity .....	.....	.....	6	3	.....	.....	7	8
Tulare	4	1	18	10	.....	.....	10	12
Tuolumne .....	.....	1	7	3	3	3	12	10
Yolo	5	2	58	27	3	3	23	29
Yuba	1	.....	6	10	3	3	23	22
Totals	82	89	658	661	37	53	681	870

TABLE 13—Continued.

COUNTIES.	Number of new schoolhouses erected.		Number of male teachers.		Number of female teachers.		Total number of teachers.		Average monthly wages paid to male teachers.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda	6	2	14	17	17	24	31	41	74	77
Alpine.....	.....	.....	3	5	4	4	7	9	70	70
Amador.....	.....	1	21	20	20	14	41	34	74	72
Butte.....	1	2	19	16	12	9	31	25	81	77
Calaveras.....	.....	1	16	13	14	10	30	23	78	73
Colusa.....	2	.....	12	10	2	5	14	15	65	64
Contra Costa	3	5	14	17	18	18	32	35	68	78
Del Norte.....	.....	.....	4	4	2	4	6	8	72	90
El Dorado.....	2	2	21	27	23	28	44	55	74	78
Fresno	2	.....	3	2	4	6	7	8	60	75
Humboldt....	1	2	8	10	6	5	14	15	64	64
Inyo.....	.....	.....	.....	3	.....	2	.....	5	.....	60
Kern.....	.....	.....	.....	1	.....	1	.....	2	.....	100
Klamath.....	.....	.....	.....	1	1	1	1	2	.....	75
Lake.....	1	1	11	7	2	6	13	13	64	76
Lassen.....	1	2	3	4	5	7	8	11	80	80
Los Angeles..	1	1	5	6	9	10	14	16	90	76
Marin.....	1	4	8	8	6	10	14	18	55	65
Mariposa.....	.....	.....	6	4	6	7	12	11	80	82
Mendocino.....	3	3	18	20	8	10	26	30	62	69
Merced.....	.....	.....	5	5	.....	2	5	7	70	75
Mono.....	.....	.....	.....	.....	.....	2	.....	2	.....	.....
Monterey .....	.....	.....	6	9	6	5	12	14	63	68

Napa.....	2	2	11	13	17	23	28	36	73	75
Nevada.....	4	4	23	27	10	9	33	36	77	86
Placer.....	1	2	13	12	25	26	38	38	72	74
Plumas.....	2	1	6	7	8	8	14	15	80	83
Sacramento.....	4	6	29	32	31	26	60	58	68	74
San Bernardino.....	1	1	10	12	4	6	14	18	54	50
San Diego.....	.....	.....	.....	.....	1	1	1	1	.....	.....
San Francisco.....	4	8	16	22	163	189	179	211	145	180
San Joaquin.....	6	8	30	31	25	30	55	61	68	69
San Luis Obispo.....	1	.....	3	6	1	1	4	7	55	58
San Mateo.....	3	1	8	8	2	7	10	15	62	73
Santa Barbara.....	.....	2	2	2	4	4	6	6	65	70
Santa Clara.....	3	4	39	40	38	41	77	81	74	80
Santa Cruz.....	1	.....	13	17	8	15	21	32	65	69
Shasta.....	.....	2	5	4	10	18	15	22	54	64
Sierra.....	1	.....	5	7	14	16	19	23	83	85
Siskiyou.....	2	3	12	13	7	13	19	26	89	83
Solano.....	4	4	15	22	14	21	29	43	81	77
Sonoma.....	8	7	48	60	45	50	93	110	67	72
Stanislaus.....	3	2	9	6	3	7	12	13	62	64
Sutter.....	2	.....	12	12	6	6	18	18	50	50
Tehama.....	4	1	6	8	6	8	12	16	75	77
Trinity.....	.....	.....	1	2	9	7	10	9	100	80
Tulare.....	3	4	12	14	3	6	15	20	64	65
Tuolumne.....	.....	2	11	13	7	9	18	22	78	70
Yolo.....	1	3	21	19	8	22	29	41	65	69
Yuba.....	1	.....	20	10	18	22	38	32	79	84
Totals.....	85	93	597	616	671	773	1,268	1,389	.....	.....

TABLE 13—Continued.

COUNTIES.	Average monthly wages paid to female teachers.		Number of schools maintained more than 6 months.		Number of schools maintained more than 6 and less than 9 months.		Number of schools maintained 9 months and over.		Average number of months of all schools in the county.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda.....	\$61	\$61	3	5	6	12	18	19	8.3	8.6
Alpine.....	62	56	3	3	1	2	.....	.....	5.2	4.8
Amador.....	47	47	9	3	3	7	4	2	5.5	5.8
Butte.....	52	57	15	21	6	6	.....	2	5.5	5.2
Calaveras.....	55	58	8	12	7	8	6	2	6.5	5.1
Colusa.....	41	45	6	3	3	1	.....	.....	5	3.5
Contra Costa.....	54	56	5	11	4	9	4	4	5.5	6.5
Del Norte.....	52	55	3	2	2	2	.....	.....	5.4	6.1
El Dorado.....	56	59	15	17	7	14	13	13	5.8	6.5
Fresno.....	54	59	3	2	1	2	.....	2	4.6	5
Humboldt.....	52	51	5	7	2	3	1	4	5.3	7.3
Inyo.....	.....	60	.....	2	.....	3	.....	.....	.....	5
Kern.....	.....	75	.....	.....	.....	.....	.....	.....	.....	3
Klamath.....	100	100	1	1	.....	1	.....	.....	6	6.5
Lake.....	40	54	1	6	.....	1	.....	.....	2.5	4.5
Lassen.....	63	65	4	5	.....	.....	.....	.....	4.5	5.1
Los Angeles.....	64	56	3	2	1	3	.....	.....	4.3	8.5
Marin.....	47	54	2	3	3	4	7	10	4.5	6.8
Mariposa.....	67	66	2	4	5	6	3	7	6	5.5
Mendocino.....	52	56	16	17	3	5	2	3	4.6	5.5
Merced.....	.....	62	.....	1	4	3	.....	1	7.2	7

TABLE 13—Continued.

COUNTIES.	Salary of County Superintendent.		Number of schools visits made by County Superintendent.		Rate of county school tax levied in March.		
	1866.	1867.	1866.	1867.	1865.	1866.	1867.
Alameda	\$600	\$600	37	57	.30	.30	.30
Alpine.....	240	240	2	6	.20	.20	.25
Amador.....	600	600	19	15	.30	.35	.35
Butte.....	636	680	13	22	.20	.30	.30
Calaveras	900	600	27	25	.25	.35	.35
Colusa.....	.....	240	7	8	.....	.10	.13
Contra Costa.....	600	600	27	48	.25	.30	.30
Del Norte.....	.....	100	.....	.....	.....	.....	.....
El Dorado.....	1,400	1,100	60	70	.25	.30	.25
Fresno.....	250	250	6	6	.05	.10	.17
Humboldt.....	300	300	12	14	.17	.20	.20
Inyo.....	.....	150	.....	15	.....	.35	.35
Kern.....	.....	200	.....	.....	.....	.35	.35
Klamath.....	240	200	1	4	.15	.15	.15
Lake	100	100	66	14	.30	.35	.35
Lassen	200	200	10	13	.11	.22	.25
Los Angeles.....	300	300	12	26	.25	.35	.30
Marin.....	500	500	14	28	.20	.20	.20
Mariposa.....	400	400	9	13	.20	.30	.30
Mendocino	600	600	23	36	.18	.27	.30
Merced.....	160	200	3	.....	.20	.20	.20
Mono.....	.....	.....	.....	.....	.....	.....	.25
Monterey	300	300	5	16	.30	.35	.35
Napa.....	800	900	55	67	.15	.25	.25

Nevada.....	600	600	53	86	.30	.30	.35
Placer.....	1,800	1,800	32	41	.20	.15	.15
Plumas.....	400	400	8	13	.10	.30	.30
Sacramento.....	1,000	1,000	8	32	.10	.15	.20
San Bernardino.....	.....	275	16	28	.35	.35	.35
San Diego.....	.....	360	2	2	.10	.25	.25
San Francisco.....	4,000	4,000	1,129	1,472	.35	.35	.35
San Joaquin.....	1,250	1,250	76	84	.21	.28	.28
San Luis Obispo.....	300	300	17	43	.30	.35	.30
San Mateo.....	300	300	17	13	.....	.....	.28
Santa Barbara.....	200	200	10	12	.20	.35	.35
Santa Clara.....	900	900	80	71	.38	.25	.25
Santa Cruz.....	500	500	31	34	.30	.35	.35
Shasta.....	600	600	6	12	.....	.25	.31
Sierra.....	400	400	36	87	.15	.20	.20
Siskiyou.....	600	600	18	27	.15	.25	.25
Solano.....	450	600	18	31	.15	.32 $\frac{1}{2}$	.32 $\frac{1}{2}$
Sonoma.....	1,380	1,500	27	74	.28	.35	.35
Stanislaus.....	200	300	6	5	.25	.25	.25
Sutter.....	350	.....	11	.....	.....	.....	.....
Tehama.....	300	400	18	16	.15	.17	.17
Trinity.....	250	250	9	9	.25	.20	.20
Tulare.....	300	300	3	3	.15	.34	.24
Tuolumne.....	360	300	18	15	.30	.....	.....
Yolo.....	600	500	16	33	.25	.25	.25
Yuba.....	1,000	1,000	32	12	.10	.20	.17

TABLE 13—Continued.

COUNTIES.	Number of certificates granted to male teachers.		Number of certificates granted to female teachers.		Number of applicants rejected.		Number of certificates renewed.	
	1866.	1867.	1866.	1867.	1866.	1867.	1866.	1867.
Alameda	3	.....	23	.....	.....	.....	2
Alpine.....	2	.....	3	.....	.....	.....	1
Amador	9	.....	11	.....	5	.....	4
Butte	7	.....	13	.....	3	.....	1
Calaveras.....	17	.....	9	.....	2	.....	6
Colusa
Contra Costa	4	.....	10	.....	5	.....	9
Del Norte.....	2	.....	1	.....	.....	.....	1
El Dorado	13	.....	22	.....	4	.....	3
Fresno	2	.....	4	.....	.....	.....	1
Humboldt.....	7	.....	8	.....	1	.....	1
Inyo	3	.....	2	.....	.....	.....	1
Kern.....	2	.....	2	.....	2	.....	.....
Klamath.....	2	.....	2	.....	.....	.....	.....
Lake	4	.....	5	.....	.....	.....	.....
Lassen	2	.....	1	.....	1	.....	1
Los Angeles	9	.....	14	.....	.....	.....	2
Marin.....	3	.....	4	.....	2	.....	3
Mariposa.....	2	.....	7	.....	.....	.....	.....
Mendocino	23	.....	15	.....	14	.....	7
Merced.....	2	.....	2	.....	.....	.....	.....
Mono
Monterey.....	5	.....	3	.....	2	.....	2

TABLE 14.

STATEMENT by years showing the total amount of receipts and expenditures for public schools of the State of California from 1852 to 1867, inclusive.

YEARS.	Total amount of the State School Fund apportion'd	Total amount raised by county and city taxes	Total amount raised by rate bills and subscription	Total amount paid for teachers' sal- aries	Total amount paid for schoolhouses and sites.....	Total amount ex- pended for school purposes
1852 .....	.....	.....	\$2,417	\$20,707	\$9,775	\$33,449
1853 .....	.....	.....	10,626	47,894	6,193	65,645
1854	\$52,961	\$157,702	42,557	85,860	129,677	275,606
1855	63,662	119,128	39,395	181,906	76,525	334,638
1856	69,961	121,639	28,619	200,941	52,484	305,221
1857	78,057	148,989	55,035	192,613	59,743	307,832
1858	53,405	162,870	85,107	204,545	88,199	339,914
1859	72,319	205,196	97,534	256,777	90,266	427,003
1860	81,118	230,514	122,858	311,165	110,352	474,263
1861	81,461	241,861	114,397	311,501	101,818	470,113
1862	75,412	294,828	141,806	330,249	49,274	441,238
1863	145,537	328,554	68,209	328,338	93,931	483,407
1864	132,217	260,842	84,084	411,101	167,393	655,198
1865	168,828	390,306	91,181	526,585	257,804	883,116
1866	132,410	470,608	79,600	551,462	185,056	859,229
1867	268,910	595,718	81,966	696,110	238,010	1,163,348
Totals	\$1,476,248	\$3,828,812	\$1,145,191	\$4,657,754	\$1,516,490	\$7,519,210

STATISTICAL SUMMARY by years of the public schools of California, from returns of School Census Marshals and Teachers, from 1851 to 1867, inclusive.

YEARS.	Number children between 4 and 18 years of age, by school census	Number of children enrolled on School Register	Average daily attendance	Number schools..	Number teachers.	Number of children under 4 years of age...	Number of children under 18 years of age...	Number pupils in private schools
1851	5,906	1,846	.....	49	.....	.....	.....	.....
1852	17,821	3,314	.....	20	.....	.....	.....	.....
1853	19,442	4,193	2,020	111	.....	.....	.....	.....
1854	20,075	9,746	4,635	168	214	.....	.....	.....
1855	26,077	.....	6,442	227	301	.....	.....	.....
1856	30,039	.....	8,495	321	392	.....	.....	.....
1857	35,722	17,232	9,717	368	486	.....	.....	.....
1858	40,530	19,822	11,183	432	517	.....	64,088	.....
1859	48,676	23,519	13,364	523	744	.....	76,976	.....
1860	57,917	26,993	14,754	593	831	23,558	88,849	5,438
1861	68,395	31,786	17,804	684	932	35,334	103,729	6,306
1862	71,821	36,566	19,262	715	962	38,127	110,948	6,886
1863	78,055	36,540	19,992	754	919	39,081	117,136	9,158
1864	86,031	47,588	24,794	832	1,079	41,323	128,154	11,359
1865	95,067	50,089	29,592	947	1,155	42,733	137,800	12,478
1866	* 84,179	50,273	.....	913	1,268	42,037	136,216	15,671
1867	* 94,213	* 62,227	.....	1,083	1,389	42,975	147,008	14,026

* Between 5 and 15 years of age.

† Under 5 years of age.

‡ Under 15 years of age.

TABLE 16.

Valuation of school property, 1867.

COUNTIES.	Valuation of lots, school- houses and furniture.	Valuation of school libraries.	Valuation of school apparatus.	Total valuation of school prop- erty.
Alameda.....	\$38,455 00	\$466 80	\$493 87	\$39,415 67
Alpire.....	1,470 00	.....	.....	1,470 00
Amador.....	9,408 25	207 90	385 00	10,001 15
Butte.....	21,027 75	700 89	520 24	22,238 88
Calaveras.....	19,035 00	176 50	612 00	19,803 50
Colusa.....	5,305 00	197 30	.....	5,504 90
Contra Costa.....	18,603 34	551 62	777 00	21,827 26
Del Norte.....	3,729 50	25 00	.....	3,754 50
El Dorado.....	22,765 27	1,318 30	1,474 16	25,557 73
Fresno.....	1,897 63	.....	35 00	1,932 63
Humboldt.....	4,137 00	274 40	277 00	4,688 40
Inyo.....	600 00	.....	.....	600 00
Kern.....	292 00	.....	.....	292 00
Klamath.....	450 00	42 20	.....	492 20
Lake.....	2,497 37	175 88	228 12	2,901 29
Lassen.....	5,468 00	.....	215 00	3,989 00
Los Angeles.....	15,720 50	643 06	285 00	17,342 52
Marin.....	8,152 52	110 00	105 00	8,367 52
Mariposa.....	6,481 63	201 48	427 00	7,110 39
Mendocino.....	8,684 00	196 40	365 70	9,246 10
Merced.....	705 00	67 28	.....	772 28
Mono.....	.....	.....	.....	.....
Monterey.....	3,080 00	287 81	313 12	3,680 93
Napa.....	18,084 32	665 03	482 19	19,231 54
Nevada.....	27,370 00	1,120 00	805 00	29,295 00
Placer.....	18,225 00	320 13	695 00	12,240 13
Plumas.....	4,149 00	35 00	319 00	4,503 00
Sacramento.....	74,881 00	1,054 13	1,259 45	77,194 58
San Bernardino.....	4,220 00	334 86	22 12	4,577 98
San Diego.....	.....	50 00	52 75	102 75
San Francisco.....	1,112,000 00	6,000 00	4,000 00	1,122,000 00
San Joaquin.....	53,166 00	227 38	447 00	53,940 38
San Luis Obispo.....	765 00	359 00	230 00	1,354 00
San Mateo.....	12,621 00	166 00	386 62	13,173 62
Santa Barbara.....	3,993 00	180 00	307 39	4,480 39
Santa Clara.....	37,835 40	526 98	1,307 75	39,670 13
Santa Cruz.....	15,581 00	531 00	485 00	16,597 00
Shasta.....	2,860 00	29 50	105 00	2,994 50
Sierra.....	6,059 00	365 00	325 00	6,749 00
Siskiyou.....	6,026 62	278 80	357 00	6,662 42
Solano.....	27,640 25	673 70	670 64	28,984 59
Sonoma.....	47,915 48	1,286 68	867 00	50,069 16
Stanislaus.....	4,328 00	14 00	134 50	4,176 50
Sutter.....	.....	.....	.....	.....
Tehama.....	6,675 00	277 22	327 50	7,279 72
Trinity.....	1,885 00	23 00	93 00	2,001 00
Tulare.....	5,658 43	.....	98 00	5,756 43
Tuolumne.....	14,622 00	361 88	357 15	15,341 03
Yolo.....	16,395 00	512 25	503 00	17,410 25
Yuba.....	25,675 00	798 00	930 50	27,403 50
Totals.....	\$1,703,250 26	\$21,366 56	\$21,718 90	\$1,746,335 72

TABLE 17.

FINANCIAL STATEMENT *by counties showing the total amount of receipts and expenditures for public schools of the State of California, from 1852 to 1867, inclusive.*

COUNTIES.	Total am't of State School Fund appor- tioned.	Total am't paid for teachers' salaries.	Total am't paid for school- houses and sites.	Total am't ex- pended for school pur- poses.
Alameda.....	\$46,640 80	\$126,922 27	\$56,355 41	\$202,331 47
Alpine.....	1,620 60	4,317 24	218 84	5,193 47
Amador.....	38,723 20	101,463 42	17,302 37	133,873 17
Butte.....	32,885 60	79,591 37	23,296 45	133,306 24
Calaveras.....	41,546 40	86,105 79	28,020 58	122,732 82
Colusa.....	9,304 48	23,626 52	4,502 03	34,478 97
Contra Costa.....	33,250 00	74,244 15	15,067 19	105,661 01
Del Norte.....	2,982 60	9,396 03	3,113 49	15,614 75
El Dorado.....	60,304 20	166,484 05	37,818 24	237,875 54
Fresno.....	2,258 20	20,165 10	728 16	6,819 83
Humboldt.....	15,617 00	35,510 71	9,878 01	56,422 27
Inyo.....	262 40			
Kern.....				
Klamath.....	1,664 80	4,297 76	898 35	5,445 48
Lake.....	6,855 80	11,855 32	2,169 35	14,993 07
Lassen.....	2,236 00	8,211 89	4,648 72	14,258 02
Los Angeles.....	59,273 60	83,910 30	33,817 07	132,564 66
Marin.....	10,535 60	22,275 79	6,810 99	35,035 98
Mariposa.....	15,480 40	33,560 24	6,577 12	45,202 75
Mendocino.....	17,013 40	35,252 50	7,513 09	50,528 25
Merced.....	5,810 80	15,144 45	1,396 49	20,193 98
Mono.....				
Monterey.....	34,977 20	54,652 21	6,905 06	73,477 34
Napa.....	28,364 60	59,840 10	20,683 46	97,866 12
Nevada.....	52,252 00	118,236 61	36,736 88	178,203 75
Placer.....	34,795 60	96,055 17	29,629 23	146,256 98
Plumas.....	8,354 00	16,571 45	5,145 00	25,968 57
Sacramento.....	96,971 60	333,217 01	126,925 09	568,801 07
San Bernardino.....	26,188 60	35,384 82	4,529 34	47,901 11
San Diego.....	6,481 80	5,935 00	1,256 88	10,480 84
San Francisco.....	318,788 20	1,386,153 83	828,144 19	2,885,074 79
San Joaquin.....	67,242 80	203,908 03	76,172 21	372,579 27
San Luis Obispo.....	14,342 00	12,300 98	977 16	19,668 38
San Mateo.....	16,195 20	37,716 57	11,800 44	58,805 83
Santa Barbara.....	28,694 20	21,228 50	7,355 96	34,293 64
Santa Clara.....	93,173 60	208,342 77	55,916 04	315,888 72
Santa Cruz.....	32,852 40	56,028 66	20,994 33	85,250 17
Shasta.....	18,589 40	38,711 76	6,311 01	56,794 22
Sierra.....	16,531 00	53,885 67	9,731 69	79,461 57
Siskiyou.....	15,292 00	50,061 81	10,040 41	72,128 14
Solano.....	44,871 00	102,771 85	28,590 73	157,806 04
Sonoma.....	88,925 00	197,710 79	61,001 19	358,336 79
Stanislaus.....	8,515 20	22,908 65	5,478 36	33,021 21
Sutter.....	16,732 00	44,869 31	6,436 53	56,908 93
Tehama.....	9,658 60	27,453 10	14,791 75	48,524 10
Trinity.....	5,876 20	22,291 90	3,037 88	30,254 73
Tulare.....	14,385 40	29,292 20	5,820 40	38,870 29
Tuolumne.....	39,044 80	61,820 24	20,789 15	93,932 66
Yolo.....	27,296 00	82,242 98	15,535 76	108,211 57
Yuba.....	39,566 40	33,045 97	37,363 38	215,622 33

TABLE 18.

STATISTICAL TABLE *by counties showing the whole number of children under 15 years of age, and the estimated population on the basis that the children under 15 constitute 30 per cent. of the entire population.*

COUNTIES.	Number of census children under 15 years of age— 1867	Estimated pop- ulation—1867 ..
Alameda	5,390	17,966
Alpine	192	640
Amador	2,813	9,277
Butte	2,843	9,477
Calaveras	3,566	11,887
Colusa	1,075	3,583
Contra Costa	2,920	9,733
Del Norte	379	1,263
El Dorado	3,748	12,493
Fresno	665	2,218
Humboldt	1,685	5,618
Inyo	97	323
Kern	400	1,333
Klamath	312	1,040
Lake	1,114	3,713
Lassen	464	1,547
Los Angeles	4,952	16,507
Marin	1,537	5,123
Mariposa	1,351	4,503
Mendocino	2,383	7,943
Merced	666	2,220
Mono	136	450
Monterey	2,151	7,170
Napa	2,340	7,800
Nevada	6,108	20,360
Placer	3,337	11,123
Plumas	1,047	3,490
Sacramento	7,355	24,517
San Bernardino	1,951	6,503
San Diego	733	2,443
San Francisco	34,710	115,700
San Joaquin	5,531	18,433
San Luis Obispo	1,039	3,463
San Mateo	1,711	5,703
Santa Barbara	1,464	4,880
Santa Clara	7,119	23,730
Santa Cruz	3,346	11,153
Shasta	1,233	4,110
Sierra	1,519	5,063
Siskiyou	1,863	6,210
Solano	4,108	13,693
Sonoma	7,912	26,373
Stanislaus	1,029	3,430
Sutter	1,689	5,630
Tehama	995	3,317
Trinity	726	2,420
Tulare	1,626	5,420
Tuolumne	2,846	9,487
Yolo	2,479	8,263
Yuba	3,228	10,760
Totals	149,442	498,140

TABLE 19.

Statistical table showing the number of children under 15 years of age and the estimated population of the principal cities and towns of California.

CITIES AND TOWNS.	Total number of children under 15 years of age	Estimated popu- lation.....
	1867.	1867.
San Francisco.....	34,710	115,700
Sacramento.....	3,898	12,993
San José.....	2,017	6,723
Los Angeles.....	1,794	5,983
Stockton.....	1,592	5,307
Oakland.....	1,537	5,123
Grass Valley.....	1,372	4,573
Marysville.....	1,261	4,203
Santa Barbara.....	1,147	3,823
Nevada.....	1,123	3,743
Petaluma.....	1,088	3,629
Vallejo.....	935	3,117
Santa Cruz.....	785	2,283
Sonora.....	679	2,263
Placerville.....	652	2,180
Santa Clara.....	652	2,180
Watsonville.....	635	2,117
Columbia.....	627	2,090
Monterey.....	561	1,870
Napa.....	539	1,799
Brooklyn.....	507	1,690
San Luis Obispo.....	499	1,660
Copperopolis.....	496	1,650
Santa Rosa.....	494	1,647
Benicia.....	473	1,573
San Bernardino.....	460	1,533
Eureka.....	430	1,433
Healdsburg.....	418	1,393
Red Bluff.....	406	1,353
South San Juan.....	398	1,320
Dutch Flat.....	392	1,300
Chico.....	381	1,270
Yreka.....	367	1,223
Visalia.....	358	1,193
Sutter Creek.....	358	1,193
Oroville.....	345	1,150
Woodland.....	338	1,126

TABLE 19—Continued.

CITIES AND TOWNS.	Total number of children under 15 years of age	Estimated popu- lation.....
	1867.	1867.
Hornitas	330	1,100
Downieville	324	1,080
Colfax	322	1,070
Murphy's	319	1,063
Folsom	315	1,050
Redwood City	314	1,047
Sonoma	307	1,020
San Andreas	282	940
Jackson	275	917
Fairfield and Suisun	272	900
Ukiah	270	900
Mokelumne Hill	267	890
Anaheim	266	888
Shasta	262	873
Mariposa	252	840
Weaverville	245	816
Crescent City	242	806
Pacheco	242	806
Georgetown	240	800
Martinez	237	790
North San Juan	230	766
Auburn	223	740
Colusa	219	730
Susanville	154	500
Totals	71,133	236,730

TABLE 20.

List of County Superintendents whose term expires March, 1868.

Counties.	Name of Superintendent.	Postoffice address.	Copies of Cal. Teacher sent to	
			District Clerks.	District school libraries.
Alameda	Rev. Chas. E. Rich.....	Alameda.....	27	27
Alpine	L. S. Greenlaw*	Markleeville	5	5
Amador	Rev. S. G. Briggs	Jackson.....	27	27
Butte.....	R. H. Allen*	Chico	34	34
Calaveras.....	J. H. Wells*	Fourth Crossing.....	23	23
Colusa.....	W. S. Green.....	Colusa.....	12	12
Contra Costa.....	Rev. H. R. Avery.....	Pacheco.....	26	26
Del Norte.....	J. D. Bailey.....	Smith River.....	4	4
El Dorado.....	E. B. Conklin*	Placerville.....	42	42
Fresno	S. H. Hill.....	Kingston.....	7	7
Humboldt.....	Rev. Wm. L. Jones.....	Eureka.....	13	13
Inyo.....	J. Earl.....	Camp Independence.....	6	6
Kern	E. W. Doss.....	Havilah City.....	1	1
Klamath	John N. Rand.....	Sawyer's Bar	3	3
Lake.....	A. P. McCarty.....	Lakeport.....	11	11
Lassen.....	A. A. Smith.....	Susanville.....	9	9
Los Angeles.....	W. J. McKee*	Los Angeles	12	12
Marin.....	Al. Barney.....	San Rafael.....	17	17
Mariposa.....	D. W. Washburn.....	Mariposa.....	9	9
Mendocino.....	C. C. Cummings*	Ukiah City.....	23	23
Merced	Chas. M. Blair.....	Union.....	4	4
Mono	T. W. Dulleston	Bridgeport.....	1	1
Monterey.....	Thos. Bralee.....	Monterey.....	11	11
Napa.....	Rev. A. Higbie.....	Napa	22	22
Nevada.....	M. S. Deal.....	Nevada.....	26	26
Placer	S. R. Case.....	Auburn	33	33
Plumas.....	G. W. Meylert.....	La Porte.....	13	13
Sacramento.....	Dr. F. W. Hatch.....	Sacramento.....	48	48
San Bernardino.....	Wm. L. Ragsdale.....	San Bernardino.....	11	11
San Diego.....	G. A. Pendleton.....	San Diego.....	1	1
San Francisco.....	John C. Pelton*	San Francisco.....	12	12
San Joaquin.....	Melville Cottle*	Stockton.....	57	57
San Luis Obispo.....	P. A. Forrester*	San Luis Obispo.....	3	3
San Mateo.....	Robert Greer.....	Redwood City.....	11	11
Santa Barbara.....	A. B. Thompson	Santa Barbara.....	3	3
Santa Clara.....	J. R. Briery.....	San José.....	44	44
Santa Cruz.....	H. P. Stone	Soquel.....	16	16
Shasta.....	W. L. Carter.....	Shasta.....	21	21
Sierra.....	I. B. Fish.....	Downieville.....	20	20
Siskiyou	Thos. N. Stone*	Yreka.....	20	20
Solano.....	Geo. W. Simonton*	Vallejo	30	30
Sonoma.....	C. G. Ames*	Santa Rosa.....	69	69
Stanislaus.....	T. T. Hamlin.....	Langworth.....	11	11
Sutter.....	J. H. Clark.....	Yuba City.....	28	28
Tehama.....	Geo. F. Morris*	Red Bluff.....	11	11
Trinity	David E. Gordon	Weaverville.....	9	9
Tulare.....	T. J. Brundage.....	Visalia.....	13	13
Tuolumne.....	H. H. Spencer*	Columbia.....	15	15
Yolo.....	M. A. Woods*	Cache Creek.....	31	31
Yuba.....	H. H. Rhees.....	Marysville.....	25	25

* Professional Teachers.

TABLE 21.

List of County Superintendents elect.

Counties.	Names.	Counties.	Names.
Alameda	A. L. Fuller.	Plumas.....	G. W. Meylert.
Alpine	L. S. Greenlaw.	Sacramento	Dr. Trafton.
San Bernardino.....	S. G. Briggs.	San Bernardino.....	W. S. Clark.
Butte.....	C. G. Warren.	San Francisco.....	James Denman.
Calaveras.....	O. V. Currier.	San Joaquin.....	Melville Cottle.
Contra Costa.....	Alfred Thurber.	San Luis Obispo.....	Joseph H. Gooch.
Del Norte.....	John Mavity.	San Mateo.....	H. N. Nutting.
El Dorado	W. H. Hill.	Santa Barbara.....	A. B. Thompson.
Humboldt.....	Rev. W. L. Jones.	Santa Clara.....	M. A. Braly.
Inyo.....	C. M. Joslin.	Santa Cruz..	H. E. Makinney.
Kern.....	E. W. Doss.	Shasta	W. L. Carter.
Lake.....	A. P. McCarty.	Sierra.....	Joseph H. Thorpe.
Los Angeles.....	Henry D. Barrows.	Siskiyou.....	Grove K. Godfrey.
Marin.....	Al. Barney.	Solano.....	Milton Wason.
Mariposa.....	W. C. Hill.	Sonoma.....	C. G. Ames.
Mendocino.....	C. C. Cummings.	Tehama	G. W. Jeffries.
Merced.....	M. C. Monroe.	Trinity.....	David E. Gordon.
Monterey.....	Thomas W. Clay.	Tulare.....	J. W. Williams.
Napa.....	Rev. A. Higbie.	Tuolumne.....	W. J. Clark.
Nevada	E. M. Preston.	Yolo.....	R. R. Darley.
Placer.....	S. R. Case.	Yuba.....	Isaac Upham.

T A B L E 22.

STATEMENT of the expenditures of appropriations made to the office of Superintendent of Public Instruction for 17th fiscal year ending June, 1866.

For what purpose expended.	Amount of appropriation.	Amount expended.	Balance unexpended.
Rent of office.....	\$500 00	\$500 00	.....
Postage and expressage.....	1,110 00	851 00	\$259 13
Stationery, lights, and fuel.....	200 00	195 06	4 94
Travelling expenses.....	1,000 00	910 00	90 00
Contingent expenses.....	259 85	256 48	2 37

Expenditures for 18th fiscal year ending June, 1867.

For what purpose expended.	Amount appropriated.	Amount expended.	Balance unexpended.
Rent of office.....	\$600 00	\$600 00	.....
Postage and expressage.....	800 00	768 10	\$31 90
Stationery, lights, and fuel.....	200 00	172 62	27 38
Travelling expenses.....	1,000 00	821 70	178 30
Contingent expenses.....	250 00	242 25	7 75

TABLE 22—Continued.

STATEMENT of the expenditures of the appropriation for travelling expenses of Superintendent of Public Instruction for 17th fiscal year ending June, 1866.

When expended.	Amount.
1865—One half biennial appropriation of \$2,000.....	\$1,000 00
July \$ 76 00	
August, September, and October..... 101 75	
November and December..... 102 25	
1866—January and February..... 46 75	
March and April..... 136 75	
May and June..... 380 75	
	910 00
Balance unexpended.....	\$90 00

STATEMENT of expenditures for 18th fiscal year ending June, 1867.

When expended.	Amount.
1866—One half biennial appropriation.....	\$1,000 00
July \$ 57 50	
August 116 75	
September..... 54 25	
October 82 00	
November..... 48 75	
1867—December, January, and February..... 174 70	
March 72 00	
April 71 75	
May 68 00	
June 76 00	
	821 70
Balance unexpended.....	\$178 30

TABLE 22—Continued.

STATEMENT of expenditures of the appropriation for contingent expenses for
17th fiscal year ending June, 1866.

For what purpose expended.	Amount.
One half of the appropriation for the 16th and 17th fiscal years.....	\$250 00
Unexpended balance, 16th fiscal year.....	9 85
	\$259 85
Furniture for office.....	\$112 98
Books.....	128 50
Incidentals.....	15 00
	256 48
Balance unexpended.....	\$2 37

Contingent expenses, 18th fiscal year, ending June, 1867.

For what purpose expended.	Amount.
One half appropriation, 18th and 19th fiscal years.....	\$250 00
Carpets for office.....	\$86 00
Books for library.	95 00
Office signs.....	14 75
Moving office.....	30 50
Incidentals.....	16 00
	242 25
Balance unexpended.....	\$7 75

TABLE 22—Continued.

STATEMENT of expenditures of the appropriation for postage and expressage for 17th fiscal year ending June, 1866.

For what purpose expended.	Amount.
One half biennial appropriation for 16th and 17th fiscal years.	\$800 00
Unexpended balance 16th fiscal year.....	310 65
	\$1,110 65
Wells, Fargo & Co., packages sent and delivered...	\$ 72 75
Postage stamps, box rent, and envelopes.....	778 77
	851 52
Balance unexpended.	\$259 13

Expenditures for 18th fiscal year.

For what purpose expended.	Amount.
One half biennial appropriation, 18th and 19th fiscal years.....	\$800 00
Wells, Fargo & Co., packages sent and delivered...	\$109 10
Postage stamps and envelopes.....	659 00
	768 10
Balance unexpended.....	\$31 90

STATE OF CALIFORNIA,
City and County of San Francisco, } ss.

John Swett, being duly sworn, deposes and says: That he is the Superintendent of Public Instruction of the State of California; and further, that the foregoing contains a true and correct statement of the expenditures of the appropriations made to the Department of Public Instruction for the seventeenth and eighteenth fiscal years.

JOHN SWETT,
Superintendent of Public Instruction.

Sworn to and subscribed before me, this first day of November, A. D. 1867.

JOHN WHITE,
Notary Public.

APPENDIX.

CONTENTS OF APPENDIX.

A.

The public schools of San Francisco.

B.

Statistics of colleges, college schools, and seminaries of learning.

C.

Report of the Principal of the State Normal School.

D.

Catalogue of the pupils of the State Normal School.

E.

The Revised School Law, with State rules and regulations.

THE PUBLIC SCHOOLS OF SAN FRANCISCO.

San Francisco has maintained a system of free public schools since the first organization of a city government.

The special city School Law provides for the election by the people, at the city election, of a Superintendent of Public Schools for the term of two years, and of a Board of Education of twelve members, one from each ward, one half of whom are elected each year for the term of two years.

The City Board of Education has entire control of the school department; it determines the annual rate of city school tax, not to exceed 35 cents on \$100, and erects the school buildings, subject, however, to veto power of the Board of City Supervisors or Common Council.

The organization of the public schools is similar in most respects to that of Boston and Chicago. By a provision of the State law, all examinations of teachers for certificates are conducted by a City Board of Examination, which consists of the City Superintendent, State Superintendent, the President of the Board of Education, and three teachers, holders of the highest grade certificates, elected by the City Board for the term of one year.

STATISTICS OF THE PUBLIC SCHOOLS OF SAN FRANCISCO

For the school year ending June 30th, 1867.

Number of children between 5 and 15 years of age.....	20,253
Number of children under 5 years of age	14,457
Total number of children under 15.....	34,700
Number of children between 5 and 6 years of age not allowed to attend public schools	1,761
Number of children between 6 and 15 enrolled on public school registers.....	13,000
Average number belonging.....	10,856
Number attending private schools.....	4,165
Number between 6 and 15 not attending school	1,277
High schools.....	3
Grammar schools	8
Primary schools.....	24
High school classes, (25 pupils each)	10
Grammar school classes, (55 pupils each)	58
Primary school classes, (60 pupils each).....	152
Ungraded classes, (50 pupils each).....	2

EXPENDITURES

For the school year ending June 30th, 1867.

Teachers' salaries.....	\$209,000 00
Buildings.....	126,000 00
Contingent expenses and deficit of previous years.....	171,000 00
Total	\$508,889 00

RECEIPTS.

State apportionment.....	\$55,000 00
City taxes.....	261,000 00
Sale of bonds.....	187,000 00
Incidental	4,000 00
Total.....	\$507,000 00

Value of lots and buildings	\$1,052,000 00
Value of furniture.....	60,000 00
Value of libraries and apparatus	10,000 00
Total	\$1,122,000 00

SALARIES.

3 male Principals of High Schools	\$2,500 00
8 male Grammar Masters.....	2,100 00
3 male Assistants, High School.....	2,100 00
4 Sub-Masters, Grammar School.....	1,500 00
10 Primary Principals, (female).....	1,200 00
Head Assistants.....	1,000 00
4 Music and Drawing Teachers.....	1,800 00

NUMBER OF TEACHERS WHO ARE GRADUATES OF THE CALIFORNIA STATE
NORMAL SCHOOL.

Male.....	3
Female.....	47
Total.....	50

Since compiling the preceding condensed abstract of statistics, I have been furnished by the City Superintendent, John C. Pelton, with the advance sheets of his annual report, from which I extract the following additional items of interest:

COST OF TUITION.

The amount paid for tuition (teachers' salaries) during the year has been (including special teachers and substitutes)	\$209,736 92
Increase for the year.....	26,201 84
Increase in two years, to wit, since June 30, 1865.....	75,037 84
For the high schools (excluding special teachers and substitutes).....	19,799 88
Increase for the year.....	2,100 00
Increase for two years, to wit, since June 30, 1865.....	7,599 95
For the grammar schools (excluding special teachers and substitutes).....	75,269 76
Increase during the year.....	1,240 20
Increase in two years, to wit, since June 30, 1865.....	20,193 96
For the primary schools (excluding special teachers and substitutes).....	100,569 96
Increase for the year.....	26,662 20
Increase in 2 years, to wit, since June 30, 1865.....	44,942 52
For the teachers of penmanship and drawing (decreased during the past year).....	2,675 00
For the teachers of music (slight decrease during the year)	3,650 00

TOTAL COST OF EDUCATION.

Average cost of each scholar in all the schools for tuition per year (for salaries only, calculated on the average number belonging).....	\$19 34
Average cost of each scholar in the high school per year.....	82 49
Average cost of each scholar in the grammar and primary schools per year	17 17
Decrease for the year per pupil.	1 75
Average cost of each scholar in our public schools (including the whole expenses as above, excepting for erection of buildings and purchase of lots).....	29 50
Decrease for the year per pupil (resulting from the erection of schoolhouses and the consequent saving of the payment of rents from the current fund).....	2 26

COMPARATIVE SCHOOL STATISTICS, EMBRACING THE YEARS FROM 1849-50 TO 1866-7,

Showing the number and the increase in the number of teachers, the number and increase in the number of children in the public schools, the number and the increase in the number of children between 4 and 18 years of age, the number and per cent. of increase in number of children attending private schools, annual current School Fund and per cent. of increase, annual assessment roll, rate of current school property tax, annual apportionment of State School Fund, etc., etc.

YEAR.	Total No. of teachers employed	Increase.....	Total No. of children attending public schools.....	Increase.....	No. of children between 4 and 18 years of age as reported by Census Marshal	Increase.....	Total No. of children attending private schools...	Per cent. of the No. attending private schools on the No. attending public schools.	Annual current School Fund...	Increase.....
1849-50....	2	.....	150	.....	500	.....	.....	.....	.....	.....
1850-1	4	2	325	175	1,500	1,000	.....	.....	\$23,125 00	.....
1851-2	15	11	600	275	2,132	632	.....	.....	35,040 00	.....
1852-3	16	4	1,200	600	2,730	598	.....	.....	159,249 00	.....
1853-4	19	3	1,350	150	3,268	538	.....	.....	136,580 00	.....
1854-5	29	10	2,200	850	4,531	1,263	.....	.....	125,064 00	.....
1855-6	61	32	3,370	1,170	4,751	220	.....	.....	92,955 00	.....
§1856-7	60	*1	2,821	*549	4,751	.....	.....	.....	104,808 00	.....
1857-8	67	7	15,273	2,452	6,375	1,624	.....	.....	134,731 00	.....
1858-9	75	8	16,201	928	7,767	1,392	.....	.....	156,407 00	.....
1859-60....	68	*7	16,108	*93	9,025	1,258	.....	.....	158,855 00	.....
1860-1	73	5	16,617	509	13,316	4,291	2,777	.419	178,929 00	2,448 00
1861-2	82	9	18,204	1,587	13,358	42	3,139	.382	228,411 00	*24,288 00
1862-3	94	8	18,177	*27	16,298	2,850	4,552	.556	265,706 76	44,362 00
1863-4	108	14	19,075	898	18,748	2,540	4,823	.531	289,392 01	49,482 00
1864-5	138	30	8,000	*1,075	20,081	1,833	5,450	.681	31,415 56	37,295 76
1865-6	206	88	10,153	2,153	17,369	*3,212	4,403	.433	.....	23,686 25
†1866-7	253	47	13,385	3,232	20,253	2,884	4,165	.311	.....	.....

COMPARATIVE SCHOOL STATISTICS—Continued.

YEAR.	Per cent. of increase	Total assessment roll.....	Per cent. of increase.....	Rate of school tax.			Per cent. of school tax on total State tax.	State apportionment	Per cent of increase.....	State apportionment per pupil
				State ...	City	Total....				
1849-50.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1850-1 .....	.....	\$21,621,214	.....	.....	.....	.....	.....	.....	.....	.....
1851-2 .....	.....	14,016,903	*.35	.....	.23	.23	.05	.....	.....	.....
1852-3 .....	.....	18,481,737	.31	.....	.28	.28	.07	.....	.....	.....
1853-4 .....	.51	28,900,150	.57	.....	.28	.28	.08	.....	.....	.....
1854-5 .....	.354	34,762,827	.20	.....	.43½	.43½	.11	\$18,125 00	.....	2 72
1855-6	*.14	32,076,572	*.08	.....	.35	.35	.152	12,913 00	*.28	3 12
1856-7	*.08	30,368,254	*.05	.....	.35	.35	.152	12,996 00	.00	2 68
1857-8	*.25	35,397,176	.16	.....	.35	.35	.142	12,780 00	.01	2 59
1858-9 .....	.12	30,725,950	*.13	.....	.35	.35	.107	8,061 00	*.38	1 49
1859-60.....	.28	30,019,222	*.02	.....	.35	.35	.122	11,602 00	.45	1 78
1860-1 .....	.16	35,967,499	.19	.....	.35	.35	.121	13,048 00	.12	1 66
1861-2 .....	.01	41,845,119	.17	.....	.35	.35	.127	12,725 00	*.02	1 40
1862-3 .....	.14	66,531,208	.59	.....	.35	.35	.127	14,780 00	.16	1 10
1863-4 .....	.32	77,129,066	.16	.....	||.20	||.20	.095	26,192 00	.77	2 02
1864-5 .....	.27	80,736,165	.045	.....	.35	.35	.117	27,912 00	.07	1 69
1865-6 .....	.16	88,266,457	.09	.....	.35	.35	.112	36,371 00	.30	1 96
1866-7 .....	.08	95,981,436	*.085	.05	.35	.40	.125	40,435 08	.11	1 38
+1866-7 .....	.10	.....	.....	.08	.35	.43	.14	55,641 60	.37	3 19

* Decrease.

† The number of pupils and teachers in this year are from reports of August, 1867.

‡ These figures show the total number of pupils that were enrolled during the respective years, and not the average per month, as are shown by the other figures. Were the monthly transfers deducted, the actual number of pupils in the department could be seen.

§ The ward schools were this year withdrawn from the public school department.

|| Twenty cents tax levied this year in consequence of the special appropriation of \$60,000 from the General Fund.

BOARD OF EDUCATION, 1867-8.

1st Ward.....	E. H. Coe.	7th Ward.....	—————
2d Ward	Thos. Holt.	8th Ward.....	R. P. Hammond
3d Ward.....	Wm. F. Hale.	9th Ward.....	A. W. Scott
4th Ward	H. A. Cobb.	10th Ward.....	A. K. Hawkins
5th Ward.....	Washington Ayer.	11th Ward.....	T. B. Cornwall
6th Ward	John R. Jarboe.	12th Ward.....	J. A. Rogers

SUPERINTENDENT OF PUBLIC SCHOOLS.

James Denman; term expires December 1st, 1869.

PRESIDENT OF THE BOARD OF EDUCATION.

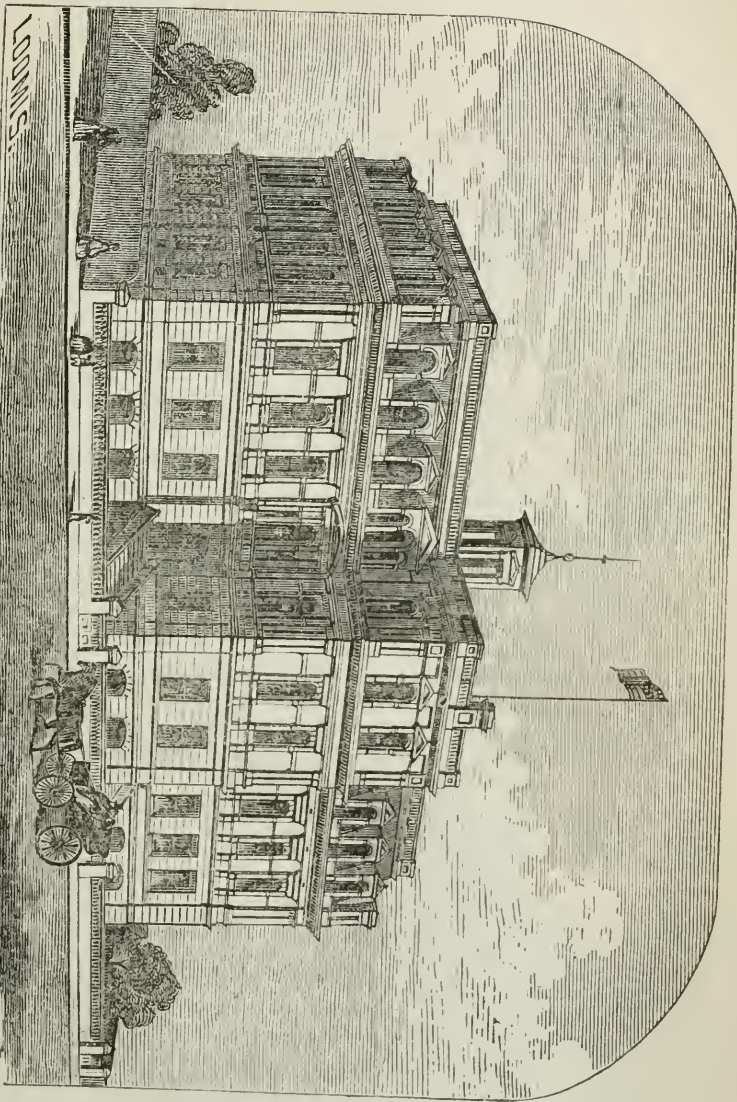
R. P. Hammond.

SCHOOLHOUSES OF SAN FRANCISCO.

LINCOLN SCHOOLHOUSE.

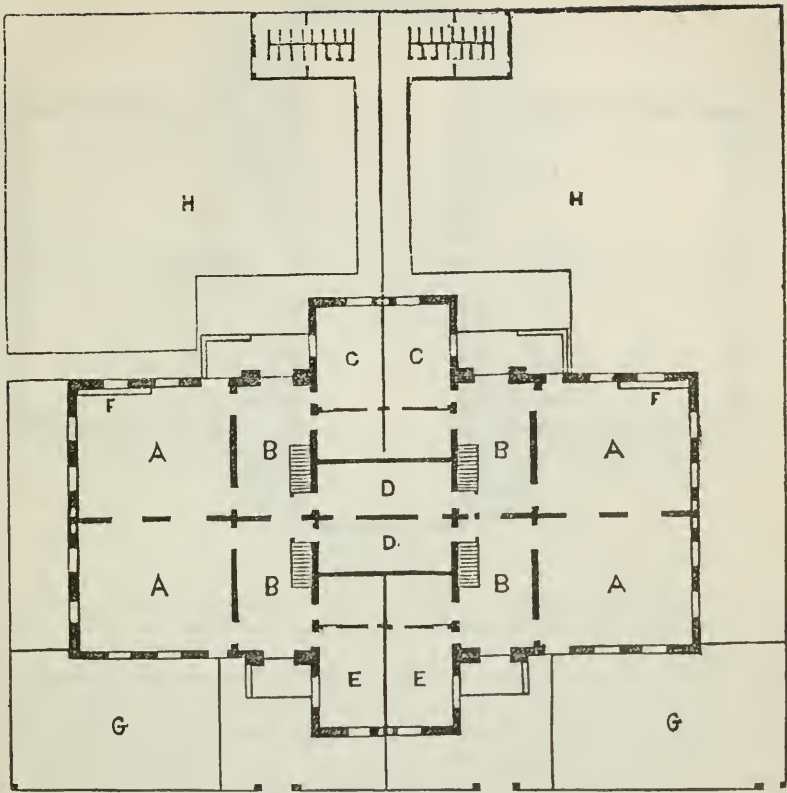
The Lincoln School building is one of the finest and largest public schoolhouses in the United States. It was begun in August, 1864, completed in August, 1865, and cost, including furniture, \$100,000. It is designed exclusively for boys, and now accommodates 1,000 pupils, exclusive of the large hall in the attic story. It is situated on the school lot on the corner of Fifth and Market streets, 175 feet square, and is inclosed in front by a brick wall and balustrade fence. The plan of the building is cruciform, 141½ feet long, by 63½ feet wide in the body; the wings are 18 by 33 feet, and the whole covers a superficial area of 10,137 feet. It is built of brick, in the most substantial manner, with a basement, two stories, and an attic, terminating with a Mansard roof, which is surmounted by a cupola, and surrounded with a balustrade. The basement is nearly above ground, and the walls of the attic square. It is finished with cement, painted and sanded to a light color, and presents a fine architectural appearance.

The walls of the basement and principal story are two feet thick; above that, they are 18 inches thick. The joists of all the floors are 3 by 17 inches. The height of the basement in the clear is 11 feet; principal and second stories, 15 feet; while the attic or assembly hall, which forms one room throughout the building, is 18 feet in the clear. Four capacious stairways communicate between the basement and the attic. The ingress and egress to the building are very ample, safe, and convenient, and consist of ten large doorways—four in front, just at each side of the main building, and six in the rear, four of them corresponding with those in front, giving an extent for these purposes of 72 feet in breadth. The interior is well lighted and ventilated throughout. The windows are of ground glass, which is a new thing in public buildings here, and very economical, as it dispenses with curtains and blinds. Fresh air is introduced through the apertures near the doors, which are



LINCOLN SCHOOLHOUSE.

WM. CHANE, Architect.



BASEMENT AND YARDS.

A A.—Boys' gymnasium.
A A.—Girls' gymnasium.
B B.—Halls.

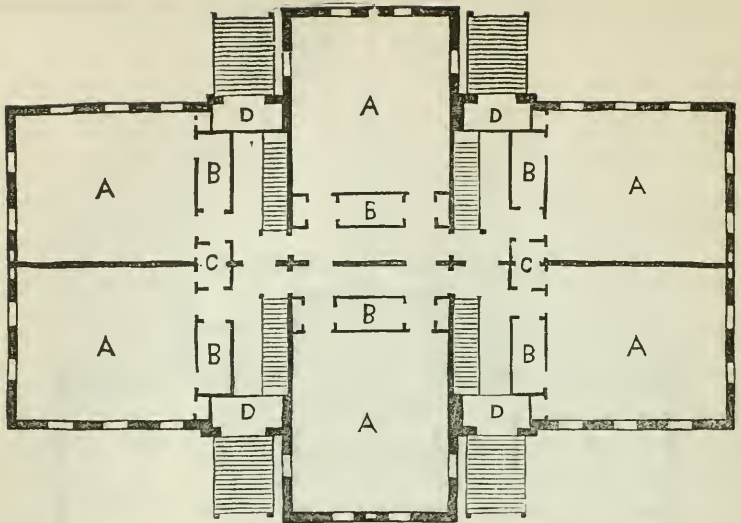
C C.—Store rooms.
D D.—Furnace rooms.
E E.—Janitor's room.
H.—Girls' yard.

F F.—Lavatories.
G G.—Front yards.
H.—Boys' yard.

regulated by registers, while the impure air escapes through ventilators near the ceiling.

The distribution of the principal and second stories is uniform, each containing six schoolrooms of 29 by 34 feet; six wardrobe rooms, $6\frac{1}{2}$ by $20\frac{1}{2}$ feet; two teachers' rooms, $6\frac{1}{2}$ by 9 feet; and two halls, 11 feet 4 inches wide, running through the building transversely, with stairways at each end, reaching to the attic or assembly hall. The attic, as before remarked, is in one room, but is capable of the same arrangement as the stories below. The basement contains six schoolrooms, which accommodate 60 pupils each. All the wardrobe rooms are to be supplied with marble top washstands and water. Each schoolroom is so constructed that a person can pass from one to the other by way of the wardrobe rooms, which obviates the necessity of going into the hall.

The following will give some idea of the vast amount of material used up in a building of this kind. By measurement, there are 1,149,611 bricks in the walls, and 451 feet of granite in the sills of apertures in the basement. The wrought iron amounts to 6,288 pounds; cast iron, 20,574 pounds. There are 663,000 feet of lumber; 2,500 yards of cement work on the exterior; and 7,800 yards of plastering in the interior. The num-



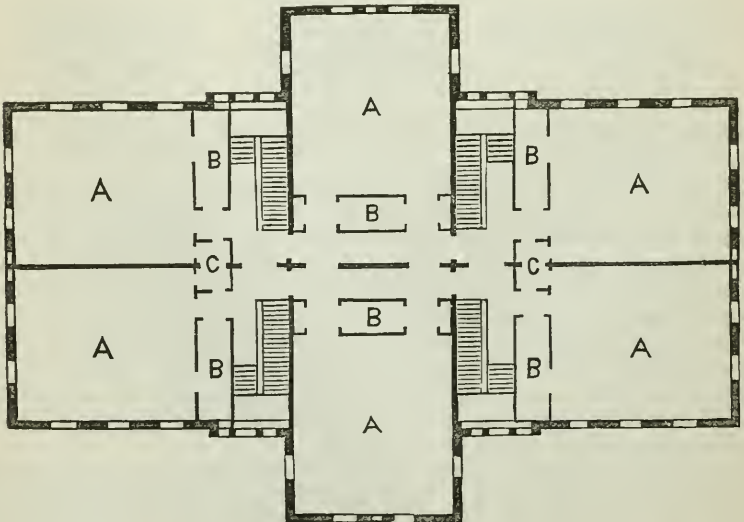
FIRST STORY.

A A A A A.—Recitation rooms.
 B B B B B.—Wardrobe rooms.

C C.—Teachers' rooms.
 D D.—Vestibules.

ber of lights in the windows is 2,052, or 8,840 feet of ground glass. This building is an honor to San Francisco, and the pride of our public schools.

The charge of extravagance has been raised against the Board of Education which planned and built it; but it is a safe prediction that in ten years from now its erection will be considered a most wise and judicious

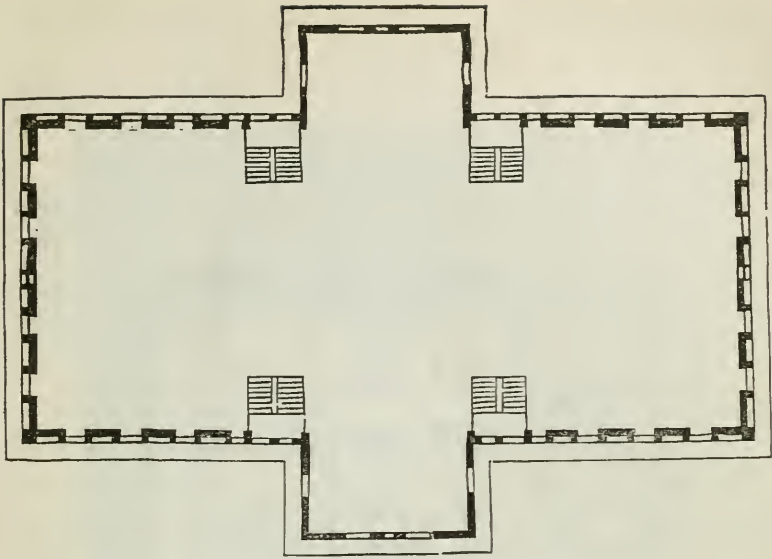


SECOND STORY,

A A.—Recitation rooms.

B B.—Clothes rooms.

C C.—Teachers' rooms.



ASSEMBLY HALL.

measure. It has cost the city a tax of only sixteen cents on each hundred dollars of the assessment roll, and many a little district and town in the State has voted twice that amount for schoolhouses.

DENMAN SCHOOLHOUSE.

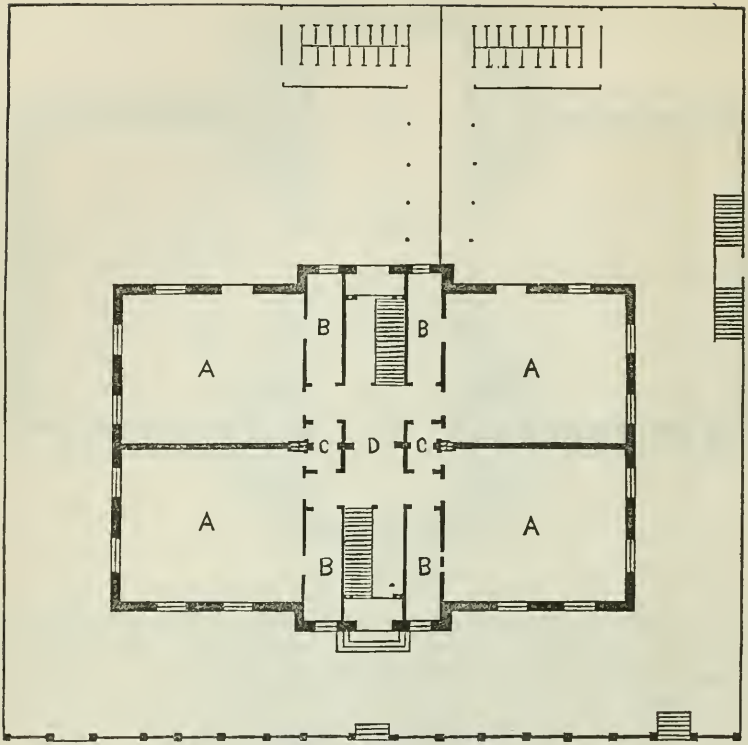
The Denman School building may also be ranked among the first class schoolhouses of the United States. This house was erected in 1864, at a cost of \$78,000, including furniture, and bears the name of the teacher who founded the school in 1851, who was afterwards City Superintendent, and who is now Principal of the school. It is designed exclusively for girls, and numbers 600 pupils.

The plan of the building is a parallelogram of $98\frac{1}{2}$ feet by 61 feet, having its entrance on the long sides, in projecting portions, each 29 feet by $3\frac{1}{2}$ feet.

The building is three stories high, the first being $13\frac{1}{2}$ feet, and the second and third stories, each 15 feet high.

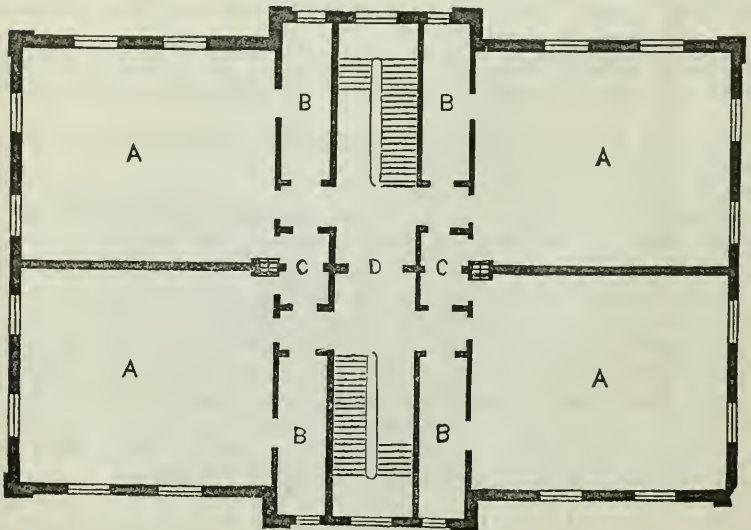
It has a Mansard roof, surmounted with a cupola and surrounded with a balustrade, to the top of which the projecting portions are carried perpendicularly from the bottom, thus increasing the interior accommodations of the attic, which is 12 feet high, and contains 16 Luthern windows in its inclined sides, and 6 in the said projecting portions of the two fronts, which, together with the advantages arising from its superior location, renders it available and very pleasant for school purposes.

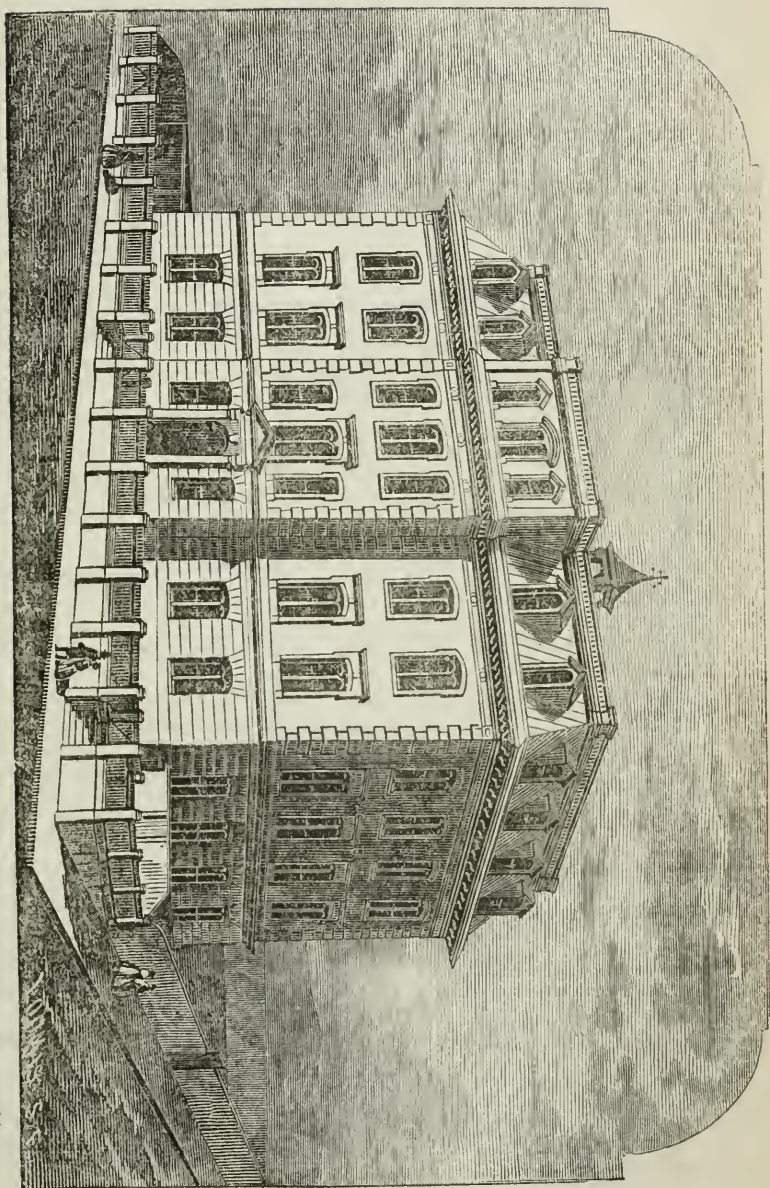
The distribution of the first, second, and third stories is uniform, each containing four school rooms of 28 by 34 feet; four wardrobe rooms of $6\frac{1}{2}$ by $21\frac{1}{2}$ feet; two teachers' rooms of $6\frac{1}{2}$ by 9 feet; and a hall, 11 feet wide, through the centre of the building, transversely, with easy, spacious stairways at each end, which extend to the attic.



FIRST, SECOND, AND THIRD STORIES.

A A.—Recitation rooms. B B.—Clothes rooms. C C.—Teachers' rooms. D.—Hall.





DENMAN SCHOOLHOUSE.

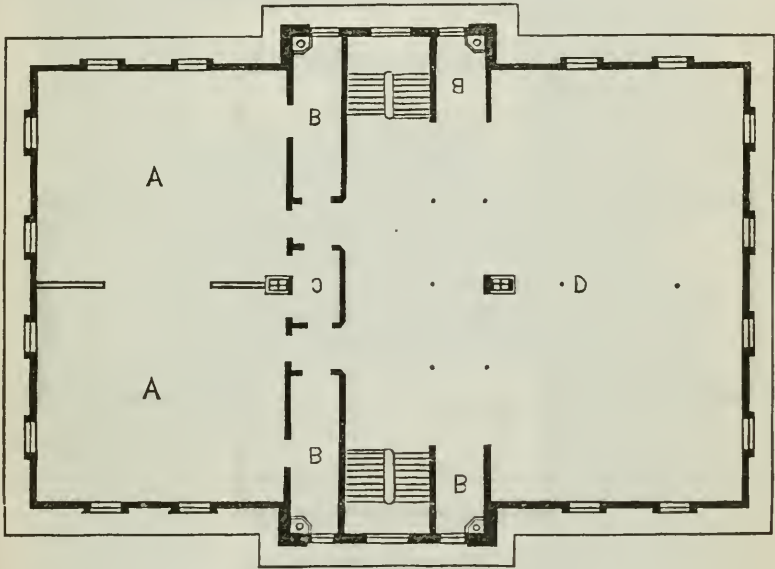
WM. CRAINE, Architect.

The attic contains two recitation rooms, each 27 by 33½ feet, and an assembly room capable of accommodating the entire school.

The ingress and egress are rendered safe and convenient by means of four spacious doorways, one in front and three in the rear; the interior is well lighted and ventilated throughout.

Fresh air is introduced through apertures near the floor, and regulated by registers, while the vitiated air is allowed to escape through ventilators near the ceiling.

All the wardrobe rooms are supplied with marble-top washstands and water; the windows have inside folding blinds. The exterior has an expressive, pleasing, and ornamental appearance. It is finished with cement, painted, and sanded to a light color, which gives it an air of cheerfulness.

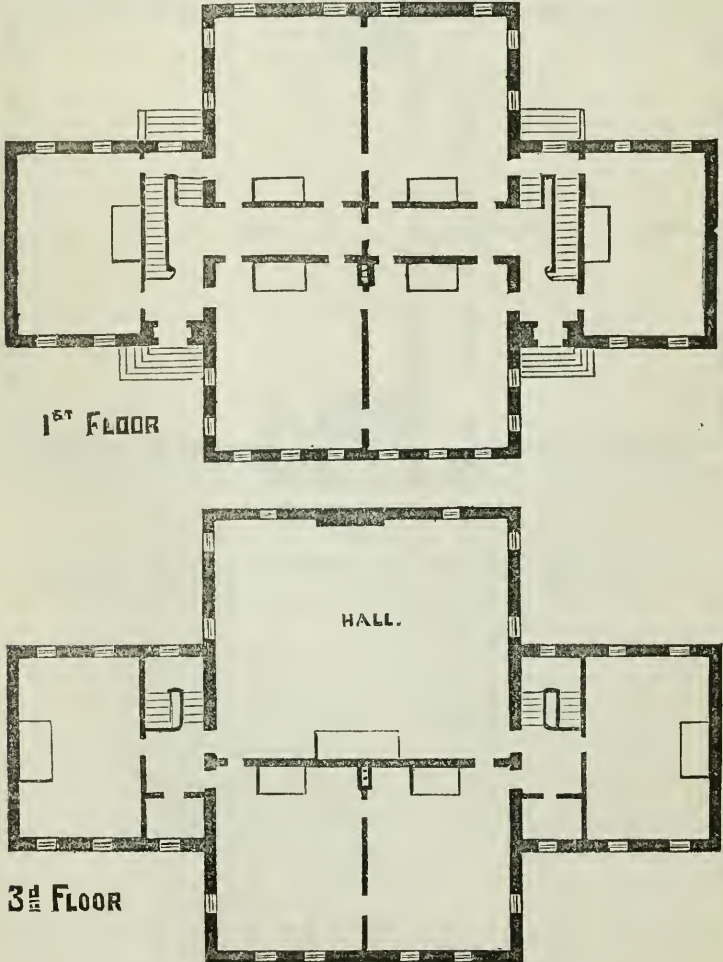


ATTIC.

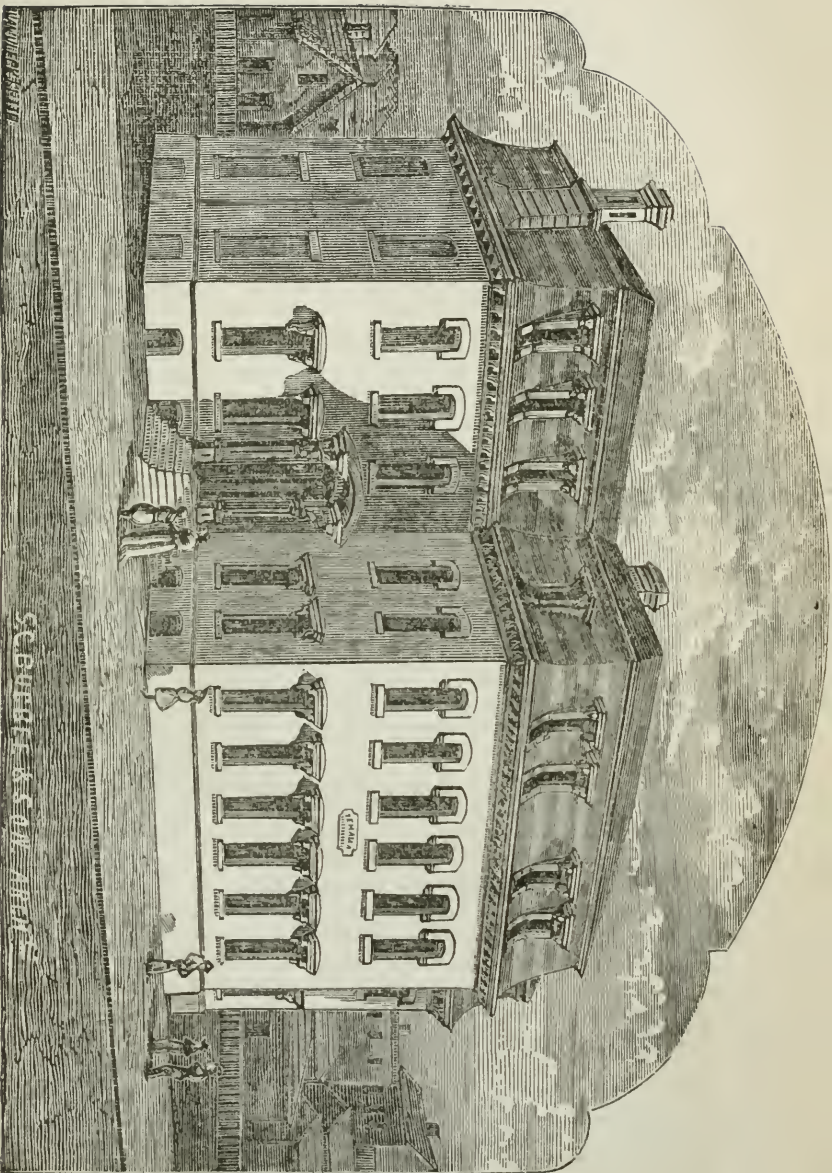
A A—Gymnasiums. D—Assembly Hall. B B—Clothes rooms. C—Closet.

THE TEHAMA PRIMARY SCHOOLHOUSE

Is situated on Tehama street, between First and Second streets. Work was commenced on it in July, 1866, and it was completed January 1st, 1867. The building is arranged in the form of a cross; the main body is 52 feet front by 75 feet deep, the wings on either side being $29\frac{1}{2}$ by 33 feet; the entire frontage is 111 feet. There is a basement under the entire building, divided in the centre, forming two wet weather play-rooms for boys and girls. The entrances are in the angles of the wings; two on the front and two in the rear, approached by flights of granite steps. The principal story is 15 feet high in the clear, with four rooms in the main building 24 by 31 feet, and one in each wing 18 by 30 feet. The halls containing the stairways are in the wings, extending through from front to rear, $9\frac{1}{2}$ feet wide by 30 feet, with a corridor through the centre from one to the other 8 feet wide. The second story is 15 feet



PLAN OF FIRST AND SECOND FLOORS.



TEHAMA PRIMARY SCHOOLHOUSE.

high in the clear, arranged in the same manner as the first floor, having two teacher's rooms, $9\frac{1}{2}$ by 10 feet, over the front entrances. The third, or upper floor, is 13 feet high in the clear; the rooms in the front and wings are the same as below; the two rooms in rear of centre and the corridor are thrown into one large room, forming an assembly hall 41 by 49 feet, with a dome skylight in the centre. This story is built under a French or Mansard roof. The rooms are all amply lighted, and the building is thoroughly ventilated throughout. The structure has been erected in the most substantial and workmanlike manner; the walls are heavy and strong, and the materials are of the best quality, equal to those of any schoolhouse in the city. This building is one of the largest in the city, having 16 classrooms, and the large hall will accommodate 1,000 scholars. The whole cost, including fences, outbuildings, etc., was \$28,300. S. C. Bugbee & Son were the architects. Messrs. Kimball Bros. the contractors.

SACRAMENTO CITY SCHOOLS.

I am under obligations to the City Superintendent of Sacramento for the following statistics of interest relative to the Sacramento City Schools, which now rank second to none in the State for efficiency and excellence:

According to the law authorizing the establishment of public schools, passed April 26th, 1853, County Assessors were ex officio County Superintendents of Public Schools, and had the appointment of School Commissioners. H. J. Bidleman, County Assessor and ex officio County Superintendent of Public Schools, acting under this law, appointed Dr. G. J. Phelan, Dr. H. W. Harkness, and George Wiggins, School Commissioners for Sacramento.

February, 1854, the first public school in this city was opened at the corner of K and Fifth streets, George H. Peck, teacher. Soon after this the boys and girls were separated, and Miss Griswold appointed to the female school. In a short time it became necessary to open other schools. Mr. A. R. Jackson was appointed to one on I street near Tenth; Mr. Wm. A. Murray, to K street, near Seventh; Miss M. S. Corby, corner of Tenth and F streets; and Miss A. E. Roberts, Fifth street, between K and L.

It is said that in July, 1854, there were 261 pupils in the public schools, and 250 in private schools. In the same year, E. B. Ryan, the Census Marshal, reported the number of children in the city between the ages of 4 and 18 years to be 1,218.

In October, 1854, the City Council established by ordinance and appointed a City Board of Education, thereby superseding the authority of the County Superintendent and Commissioners of Public Schools.

In June, 1855, a frame building was erected corner of Tenth and H streets, which was the first building erected for public school purposes in this city.

In March, 1855, the School Law was altered so as to give the election of the Board of Education to the people, and to increase their number to six—two to each ward. The census returns for 1855 gave the number of children in the city between the ages of 4 and 18 years as 1,263;

boys, 608; girls, 655. The number of names registered on the books of the public schools during the year, 970; average attendance, 494. The annual returns of the Census Marshals for 1856 are 1,276; for 1857, 1,630; for 1858, 1,623; for 1859, 1,684; for 1860, 2,109; for 1861, 2,474.

In 1856, the lot corner of L and Sixth streets was purchased for \$5,000, and a brick building (Franklin) erected thereon at a cost of from \$15,000 to \$20,000.

In 1862, a brick building 30 by 90 feet was erected on the Public Square, P and Tenth streets, for the use of Primary No. 4, and Intermediate No. 2. It cost about \$2,500.

In 1864, a double lot was purchased on the corner of G and Seventh streets, at a cost of \$1,600, and the "Union" building erected thereon in the winter of the same year, at a cost of about \$12,000. An engraving and description of this building will be found in this report.

In February, 1866, a wooden building was erected on O street for the Colored School, costing \$750; and in August of the same year a lot was purchased on the corner of M and Ninth streets, and a handsome one story wooden building erected for the New Primary School No. 7. Cost of lot, \$1,200; of building and furniture, about \$2,800.

In 1867, the new two story "Lincoln" building was erected on the school lot near Second street, on P. This spacious building accommodates Primary School No. 2, and the new Intermediate No. 4, and is an ornament to the city. Its cost, including furniture, and all extras, was \$8,000.

Besides these several buildings, the Board of Education own for the use of the schools, a brick one story building on the alley between I and J, Fourth and Fifth streets; wooden buildings at the corner of G and Thirteenth (2 stories;) and corner of N and Sixteenth, one story. For the "ungraded" school, in the extreme eastern part of the city, a wooden building is rented.

The annual sums expended in Sacramento City for school purposes are: for 1856, \$25,000; 1857, \$25,992; 1858, \$31,066; 1859, \$29,185; 1860, \$33,063; 1861, \$26,500; 1862, \$21,000; 1863, \$24,498 50; 1864, \$28,650 20; 1865, \$34,459; 1866, \$32,136 43. For 1867, they will be about the same as for 1866. The monthly pay roll for teachers in December, 1867, is \$2,200. The teachers are paid for *ten* months in the year. The vacations are one month at the close of the summer term, and two weeks each at the end of the winter and spring terms.

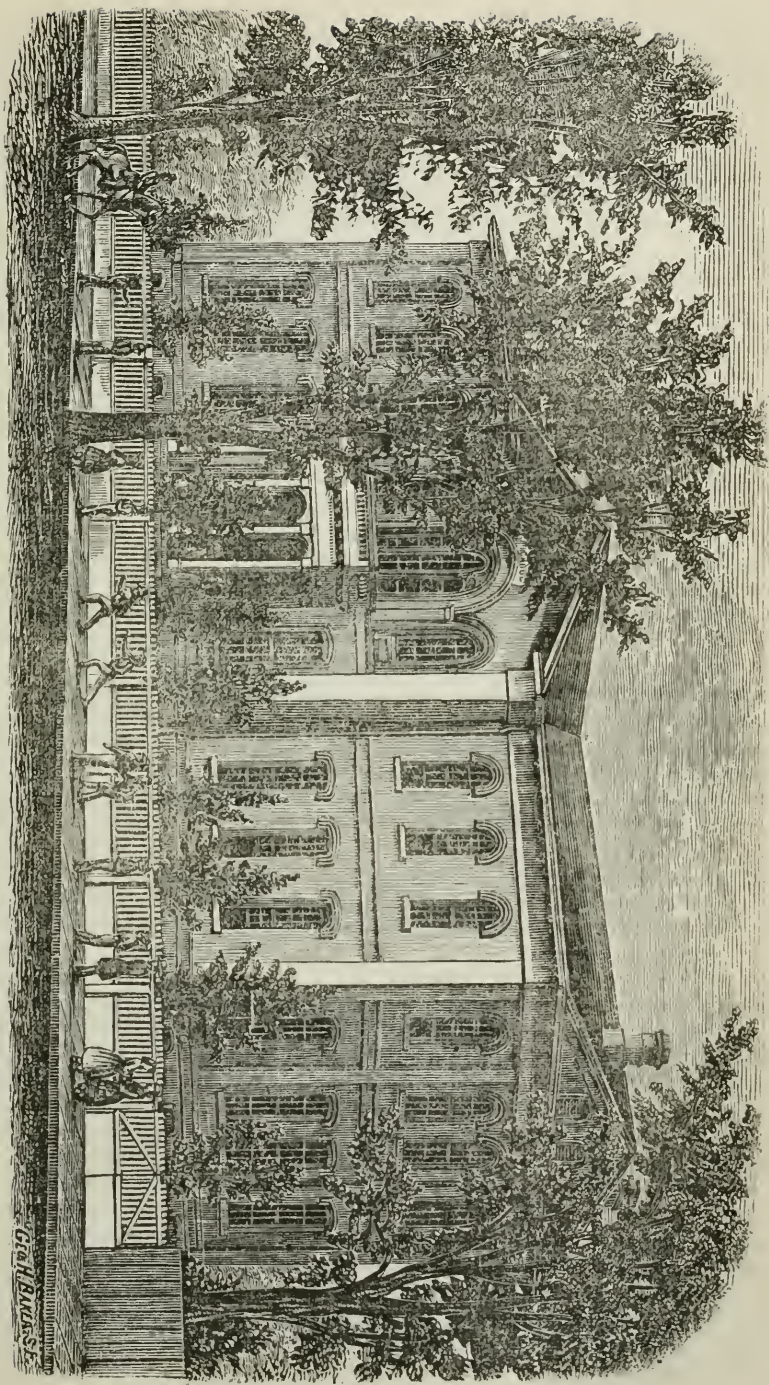
The school census for 1865 gave the following result: white children between 4 and 18, 2,264; under 4, 1,118; colored, 92; Indian, 18; Chinese, 45; total under 18, 3,537; between 18 and 21, 134.

For 1866 the law required a return from between 5 and 15 years, the "Revised School Law" making these years the limit for drawing school money. The census was as follows: white children under 15, 3,372; colored, 99; Indian, 10; Mongolian, 38; total under 15, 3,519.

In 1867 there were of children under 15 years of age: white, 3,782; colored, 102; Indian, 14; Chinese, 45; total, 3,943.

The average number of pupils attending the public schools has been as follows, since 1863, no statistics being at hand prior to that year. In this year, the present grading principle was introduced: 1863, on the roll, 949—average attendance, 782; 1864, on the roll, 1,202—average attendance, 919; 1865, on the roll, 1,446—average attendance, 1,057; 1866, on the roll, 1,622—average attendance, 1,200; 1867, on the roll, 1,700—average attendance, about 1,300.

UNION FREE SCHOOLHOUSE, SACRAMENTO.



There are 15 schools in the city, viz: 1 High, under the charge of a Principal and assistant; 1 Grammar, under a Principal and four assistants; 4 Intermediate, under a Principal and assistant each; 7 Primaries, having a Principal and assistant each; 1 Colored, with a Principal and assistant; and an Ungraded, with a Principal only. The last named and the Colored are not graded.

The course of study in the Primaries and Intermediates occupies two years each; and in the Grammar and High, three each. All the schools are thus equal to ten grades of one year each. An additional one should be substituted between the Intermediate and Grammar, which will probably be done next year, by adding a fourth grade to the Grammar, or a third to the Intermediate.

The Board of Education now employ 32 teachers and assistants, at the following monthly compensations: Assistant in Colored School, \$20; Assistants in Primaries, \$35; Assistants in Intermediates, \$45; Assistants in Grammar No. 1, \$80, and Nos. 2, 3, and 4, \$75 each; Assistant in High, \$85; Principals of Primaries, \$80; Principals of Intermediates, \$85; Principals of Colored and Ungraded, \$90; Principal of Grammar, \$135; Principal of High, \$150; total, \$2,200 per month, or \$22,000 per annum, the school year being 10 months.

The cost per pupil in 1866 (a fair average) was \$10 95 per annum in the Primary Schools, \$16 40 in the Intermediate, \$29 60 in the Grammar, \$36 83 in the Ungraded, \$27 52 in the Colored, and \$61 10 in the High.

There are three terms in each year, the first commencing in May, the second in September, and the third in January.

The course of studies is substantially as follows:

In the Primary School, from A B C and mere oral instruction, through Willson's Second Reader, Sargent's Small Speller, Eaton's Primary Arithmetic, and Cornell's first steps in Geography. There is no practical arithmetic in this grade, but all pupils are to be furnished with slates for exercises in drawing, formation of letters, figures, etc. These schools are also supplied with full sets of outline maps, charts, and plenty of blackboards.

In the Intermediate department the course embraces Willson's Third Reader, Sargent's Standard Speller, Colburn's Mental Arithmetic to Section 8, Thomson's Practical to Complex Fractions, and Warren's Primary Geography. Writing, vocal music, and calisthenics, are attended to in all the schools.

In the Grammar department the pupil commences where the Intermediate left off, and the three years' course carries the pupil through Thomson's Practical and Higher Arithmetic; Greene's Grammar, with thorough attention to analysis and parsing, as well as composition—Layres' two works being used as helps in this last; McElligott's Manual; Warren's Intermediate Geography; Willson's Fourth Reader; Sargent's Standard Speller, (finished the first year;) Quackenbos' History of the United States; Hooker's Elementary Physiology; penmanship; declamation, etc.

In the High School the course of study is divided into junior, middle, and senior years, and embraces the following studies, on each of which the classes are subjected to a most rigid and thorough examination at the end of each school year: General history; algebra; Latin and Greek; rhetoric, and English composition; natural, mental, and moral philosophy; botany; geometry; physiology; physical geography; trigonome-

try; surveying; astronomy; English literature; chemistry, and geology. In Latin, the pupil is taken through Cæsar, Virgil, and Cicero; and in Greek, Xenophon, and the Iliad. There are also classes in French and bookkeeping, but these studies are optional.

The schools of Sacramento are under the exclusive charge of a Board of Education, which as reconstructed by a law passed in 1862, consists of a City Superintendent and a Board of eight Directors, elected for two years. There are two Directors from each ward, one of whom is elected annually. The Board for 1867 was composed of the following gentlemen:

City Superintendent—Rev. William H. Hill.

Directors—First Ward—J. F. Crawford, J. F. Dreman. Second Ward—Paul Morrill, J. W. Avery. Third Ward—George R. Moore, David S. Ross. Fourth Ward—William E. Chamberlain, Paschal Coggins.

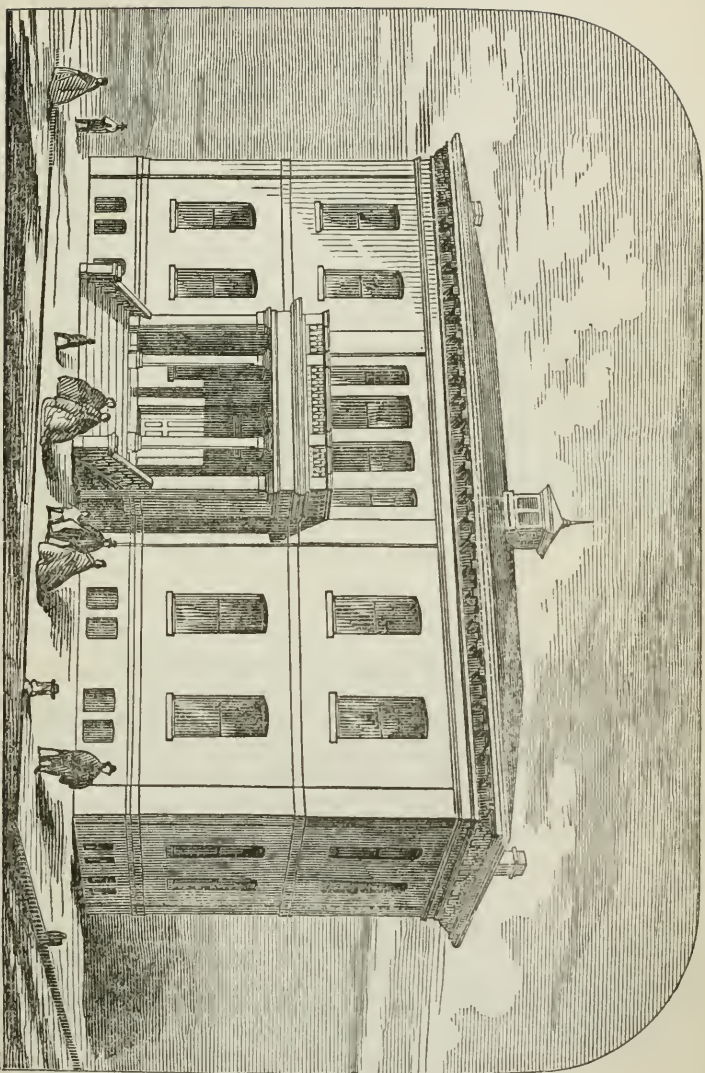
That for 1868, as follows:

City Superintendent—Rev. William H. Hill.

Directors—First Ward—Horace Adams, J. F. Crawford. Second Ward—Joseph Davis, J. W. Avery. Third Ward—Henry Miller, David S. Ross. Fourth Ward—F. A. Gibbs, Paschal Coggins.

UNION FREE SCHOOLHOUSE.

This fine building is situated on a lot 160 by 160 feet, corner of G and Seventh streets, and was erected during the winter of 1864-5. The corner stone was laid in November, and the building occupied on the 1st of the following March. It is of brick, two stories in height, with a basement for wood, etc., and also partially for a summer playground for the girls. The ground plan covers an area of 90 by 45 feet. The first story contains two schoolrooms, each 26 feet 10 inches by 42 feet 8 inches; two recitation or assistant's rooms, 14 by 28 feet 8 inches each; two anterooms about 14 by 16 feet each, and an open vestibule communicating with the latter. This story is occupied by a Primary and an Intermediate School, having accommodation for 300 children. The second story is for the High School, and contains a main room 44 by 50 feet, which is lighted from the rear by six windows, and from the front by four common windows, besides the large triplet window. All the windows in the building are arranged with pulleys and let down from the top, thus insuring perfect ventilation. The principal entrance to the main upper room is from the north side, through two anterooms, one each for boys and girls, and fitted for hats and bonnets. Near these are two others for the Principal and assistant, about 10 by 17 feet each. On the south side is a recitation room 25 by 17 feet, and a library 15 by 17 feet. Near the northeast corner is a flight of stairs leading to the girls' yard. The ceiling of the main room is 16½ feet high, and is divided into 15 panels, formed by finishing the beams of the roof with mouldings and panel work. Where the beams intersect the surface, the work is enriched with carved rosettes. The whole ceiling is executed in wood and painted in two tints. The walls are crowned with a neat cornice in plaster, which finishes into the mouldings of the ceiling. The wainscoting is of red-wood in its natural color, varnished. The doors are painted in neutral color of two tints. The entrance from the first story is by a flight of stairs 4 feet 6 inches wide.



PUBLIC SCHOOLHOUSE, STOCKTON.

L. O. D. M. 15. 25



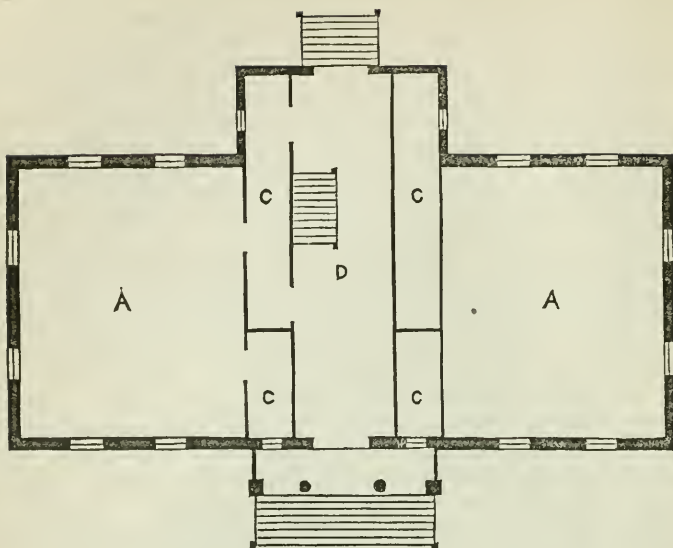
The general character of the architecture of the building is of the Italian style. The stylobate or base of the building rises to an elevation of five feet above the grade of the street. The surface of the rear and end walls is broken by the introduction of pilasters, which serve for exterior ornamentations, strength for the walls, and flues for the interior. Water tables break the perpendicular surface of the walls between the stories. The entablature is of the Italian villa style, with a cornice projecting three feet, and the pediments of the ends finished with belts. To give a pleasing variety to the otherwise monotonous appearance of its repeated windows and pilasters, the architect has introduced a broken facade, projecting 37 feet of the central portion, two feet from the line of the wall—the angles being finished with rustic quoins, and the entablature with a pediment. The principal entrance is a triplet opening in the Romanesque style, with a stilted arch supported with two iron columns. Upon either side are windows finished with full architrave and panel back. A large triplet Romanesque window finishes the central portion of the facade, the frame of which is finished with moulded mullions, and the spandrills with tracery panel work. The triplet entrance is protected with a portico, in style corresponding with the principal features of the facade, but somewhat richer in design, the intercolumnar spaces corresponding to those of the entrance. The stiling of the arch is changed from the large to the smaller ones. The entablature is finished with a modillion cornice, and surmounted with an open balustrade in the Roman style. The entire expense incurred for the building was but \$11,793; for the lot and filling, \$2,750 88; furniture for school, division fences, etc., \$1,242; making a total of \$15,788 56.

STOCKTON GRAMMAR SCHOOL.

This building was commenced in 1864, and was completed in the latter part of the same year, at a cost of \$15,133. It is a substantial brick structure, with a basement, and a superstructure two stories above. This building was erected on the common school property belonging to the city, on the southeast corner of Market and San Joaquin streets, which is a square of 150 feet.

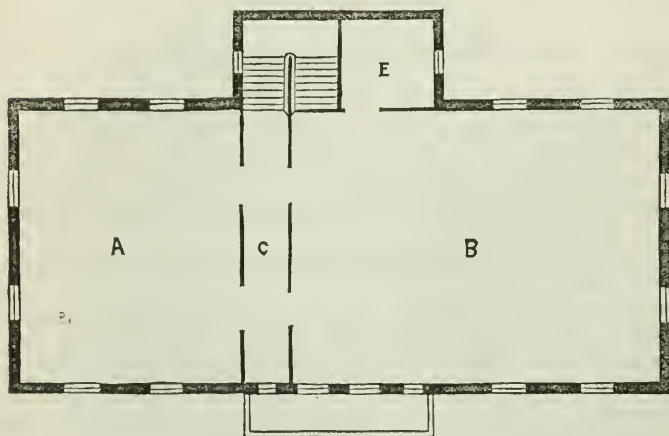
The building is 86 by 38 feet, with a wing in the rear of 28 by 11 feet, and a portico in front.

The basement is 8½ feet in height; it was constructed for and is used as a playground for the pupils of the school. The principal story, with the story above, are used solely for school purposes, with accommodations for 260 pupils. The first is 15 and the second 16 feet in height, each admirably divided into classrooms, with wardrobes, teachers' rooms, and an assembly room in the second story.



PRINCIPAL STORY.

A A.—Schoolrooms, 28 by 34 feet. C C C C.—Wardrobe rooms, 6 by 45 feet.
D.—Hall, $11\frac{1}{2}$ by $45\frac{1}{2}$ feet.



SECOND SOORY.

A.—Schoolroom, 28 by 34 feet.
C.—Wardrobe room, 6 by 34 feet.

B.—Assembly room, $46\frac{3}{4}$ by 34 feet.
E.—Teachers' room, $11\frac{1}{2}$ by 11 feet.

[B]

COLLEGES, COLLEGE SCHOOLS,

AND

PRIVATE INSTITUTIONS OF LEARNING.

COLLEGE OF CALIFORNIA.

OAKLAND.

Established, 1853. Incorporated, 1855. Number of students, 30; graduates, 2. Whole number of graduates since foundation, 14. Tuition per year, \$80. Yearly expense of board and tuition, \$300. Value of buildings and grounds, \$100,000.

Rev. S. H. Willey, President.

COLLEGE SCHOOL.

(Preparatory to the College of California.)

OAKLAND.

Number of students, 160. Expense per student, \$300. Value of buildings and grounds, \$60,000.

Rev. J. H. Brayton, A. M., Principal.

Rev. — Beckwith, Associate Principal.

Fred. M. Campbell, Wm. C. Dodge, and A. T. Winn, Assistants.

G. Copenhagen, German and Hebrew.

Paul Garin, and A. D. A. Champion, French.

UNIVERSITY OF THE PACIFIC, (METHODIST.)

SANTA CLARA.

Incorporated, 1851. First collegiate class formed, 1854. Number of professors and teachers, 4 in the male department and 5 in the female department. Number of graduates for the year, 3. Whole number of

students: male department, 67; female department, 79; total, 146. Whole number of graduates since the institution was founded: male department, 12; female department, 32; total, 44. Yearly expense per pupil, \$320. Volumes in library, 1,200.

FACULTY :

Rev. T. H. Sinex, D. D., President.
 Milus H. Gay, A. M., Ancient Languages.
 L. H. Van Schaick, English Department.
 L. J. Megerle, Bookkeeping and Grammar.

This institution was chartered in August, 1851, as the California Wesleyan College, which name was afterwards changed by Act of the Legislature to that which it now bears. The charter was obtained under the general law of the State as it then was, and on the basis of a subscription of \$27,500 and a donation of some ten acres of land adjacent to the village of Santa Clara. A school building was erected, in which the preparatory department was opened in May, 1852, under the charge of Rev. E. Bannister as Principal, aided by two assistant teachers, and before the end of the first session had over sixty pupils. Near the close of the following year another edifice was so far completed that the male pupils were transferred to it, and the Female Collegiate Institute, with its special course of study, was organized and continued in the original building. In 1854 the classes of the college proper were formed, and the requisite arrangement with respect to President, faculty, and course of study made. In 1858 two young men, constituting the first class, received the degree of A. B., they being the first to receive that honor from any college in California. Though comparatively few of those who have enjoyed the advantages of instruction in the ancient classics and the higher English studies in this institution have completed the course prescribed for graduation, yet the Female Collegiate Institute has sent out *seventeen graduates*, and *twenty-eight* young men have graduated in the college proper. Of these, *nineteen* have received the degree of Bachelor of Arts, and *thirteen* that of Bachelor of Science, the latter requiring the same studies as the former, except the Latin and Greek languages and literature. *Six* have received in course the degree of Master of Arts. A year and a half ago a plan of endowment by the purchase and sale of valuable lands in the vicinity was devised, and is working very encouragingly towards the desired result.

FEMALE COLLEGIATE INSTITUTE, (METHODIST EPISCOPAL.)

SANTA CLARA.

Number of pupils, 79. Expense per pupil, from \$300 to \$340. Value of buildings and grounds, \$10,000.

Rev. D. Tuthill, Principal.
 Mrs. C. V. W. Tuthill, Preceptress.
 Miss H. S. De Lamater, French and German.
 Miss L. N. Widney, English branches.
 M. H. Gay, Ancient Languages.
 George M. Shuck, Music.

GRACE FEMALE INSTITUTE, (EPISCOPAL.)

SAN FRANCISCO.

Established, 1864. Number of pupils, 71. Tuition per year, \$80.
 Rev. G. A. Easton, Principal.
 Four assistants.

OAKLAND SEMINARY, (FOR YOUNG LADIES ONLY.)

OAKLAND.

Established, 1858. Number of pupils, 100. Graduates, 7; whole number of graduates, 11. Cost per pupil, exclusive of extras, from \$360 to \$420. Valuation of buildings and grounds, \$20,000.

Mrs. G. M. Blake, Principal.
 Miss Julia A. Rappleye, Assistant.
 Miss Matilda Lewis, Assistant.
 Miss Susie N. Jewett, Assistant.
 W. Schraubstadter, Music.
 M'le. E. Hermet, Modern Languages.

THE FEMALE COLLEGE OF THE PACIFIC.

(Formerly the Pacific Female College.)

OAKLAND.

Incorporated, 1864. Reincorporated on account of financial embarrassment in 1867. Number of pupils, 100. Graduates, 4. Value of buildings and grounds, \$50,000. Yearly expense per pupil, exclusive of extras, \$300 to \$400.

PACIFIC METHODIST COLLEGE, (FOR BOTH SEXES.)

VACAVILLE.

Incorporated, 1863. Number of students, 209. Valuation of buildings and grounds, \$10,000. Whole number of graduates, 16.
 Rev. J. R. Thomas, D. D., President.
 Charles S. Smith, Mathematics.
 Rev. John C. Simmons, English Literature.
 J. M. Kirkpatrick, Primary Department.
 Mrs. Ella B. Wall, Music.

TOLAND MEDICAL COLLEGE.

SAN FRANCISCO.

Incorporated, 1864. Lecturers and Professors, 8. Whole number of graduates, 30. Students in attendance, 34. Value of buildings and grounds, \$36,000.

H. H. Toland, M. D., President.

Professors—James Blake, M. D., L. C. Lane, M. D., J. F. Morse, M. D., Thomas Bennett, M. D., Henry Gibbons, M. D., Thomas Price, M. D.

SONOMA COLLEGE SCHOOL.

SONOMA.

Incorporated, 1861. Number of students, 75. Number of teachers, 4. Value of buildings and grounds, \$20,000.

Rev. W. N. Cunningham, Principal.

Z. J. McConnell, Assistant.

Miss E. A. Abbott, Assistant.

HESPERIAN COLLEGE SCHOOL.

WOODLAND.

Established, 1861. Number of students, 120. Teachers, 4. Value of buildings and grounds, \$20,000.

J. M. Martin, A. M., Principal.

G. N. Freeman, Principal Preparatory Department.

PRESENTATION CONVENT SCHOOL, (FOR GIRLS ONLY.)

SAN FRANCISCO.

Established, 1854. Pupils in attendance, 879. Number of graduates, 5. Number of teachers, 21. Value of buildings and grounds, \$70,000.

Principal, Mother Mary Therese Comerford.

PETALUMA COLLEGE SCHOOL, (BAPTIST.)

PETALUMA.

Established, 1866. Number of pupils, 83. Yearly expenses per pupil, \$300 to \$380. Assistants, 3.

Principal, Mark Bailey.

NAPA COLLEGIATE INSTITUTE.

NAPA.

Established, 1862. Number of students, 125. Cost per student, \$300 to \$400. Value of buildings and grounds, \$10,000.

CALIFORNIA INSTITUTE FOR THE DEAF AND DUMB AND THE BLIND.

Location, San Francisco, corner Fifteenth and Mission streets. Established, April 30th. 1860. Number of teachers, 7. Whole number of pupils in attendance during the year, 77. Cost of tuition per year, (State pupils free,) non-residents, \$300. Estimated yearly expenses per pupil, board included, about \$300. Number of volumes in the library, about 300. Value of buildings and grounds, \$35,000 to \$40,000.

Board of Trustees—Ira P. Rankin, Wm. Sherman, B. H. Randolph, J. P. Whitney, and J. A. Benton.

Principal, Warring Wilkinson.

Teachers—Amasa Pratt, C. T. Wilkinson, H. B. Crandall, C. Muller, H. Burgess, H. Frank, Miss H. Lovekin.

HISTORY.

The California Institution for the Deaf and Dumb and the Blind, was opened in the spring of 1860 with one blind child and three deaf mutes. It was originally under the care and management of an association of benevolent ladies, through whose appeals to the charitable public means were provided for its support. The school occupied at first a rented house in Tehama street, but afterwards a hundred vara lot on the corner of Sixteenth and Mission streets was purchased, towards which purchase the City of San Francisco contributed about \$3,500. In 1860 the Legislature of the State appropriated \$10,000 for the erection of a suitable building. In 1861 a further sum of \$10,000 was donated for another wing, and at the same session provision was made for extending State aid to the amount of \$250 per pupil to those whose parents or guardians were unable to pay their ward's expenses.

In 1864 the management was placed in the hands of a Board of Trustees, consisting of five gentlemen. In February, 1865, Mr. John W. Francis, of Ohio, was called to the principalship, but his health failing, Mr. Warring Wilkinson, from the New York Institution for the Deaf and Dumb, was elected in the following September to fill the vacancy caused by Mr. Francis' resignation, and entered upon his duties the 1st of December.

During the legislative session of 1865-6, a law was passed reorganizing and providing for the institution. By this Act the institution is recognized as part of the educational policy of the State, and its privileges, like those of our common schools, are offered gratuitously to the deaf and blind children of the commonwealth. The same Legislature also created a Board of Commissioners, with power to purchase a new site and erect buildings thereon, commensurate with the dignity of the State and the needs of this rapidly increasing class of unfortunates. The sum of \$50,000, in addition to the sum to be realized from the sale of the present site, was appropriated to carry out the provisions of the Act

The Commissioners have purchased a tract consisting of 130 acres, lying four miles north of Oakland, directly in front of the Golden Gate, and contracts have been let for the erection of buildings to be completed October 1st, 1868. The edifice is to be of stone, laid random coursed throughout, and will combine every improvement which experience can suggest and experiment has approved.

The institution is designed for the *education* only of the deaf and dumb and the blind, and its success has been most gratifying. Its management is liberal and comprehensive; its officers are experienced and earnest; its inmates docile and contented, and as a consequence its results will compare favorably with the results of any similar institution in the country.

PROTESTANT ORPHAN ASYLUM.

SAN FRANCISCO.

This institution was established in 1851 by a number of benevolent men and women, who formed a society and opened a home for orphans in a cottage in Happy Valley. The society was incorporated February 21st, 1851, and Charles Gilman, D. L. Ross, and Stephen Franklin, were made "Trustees of the San Francisco Orphan Asylum Society."

During the first year there were 26 children in the Asylum. In 1853 a substantial stone building was erected near the Mission Dolores, at a cost of \$22,000, all of which was received by donations. In 1860 the State made an appropriation of \$6,000, which was applied to the erection of an additional wing to the building. Up to this time the institution had been supported entirely by private donations and by collections in the various churches; since then, the State has made an annual appropriation of \$6,000.

In 1866 the expenses were \$21,000. Number of children, 177; whole number admitted during the year, 257.

The school is well conducted by Miss R. Adams, and Miss A. Kimball, a graduate of the State Normal School.

Estimated value of buildings and grounds, \$40,000.

President, Mrs. Ira P. Rankin.

Matron, Mrs. H. B. Willard.

UNIVERSITY COLLEGE.

SAN FRANCISCO.

Established, 1859. Incorporated, 1863. Number of students in college and preparatory school, 170. Number of graduates, —. Cost of tuition, from \$50 to \$120. Value of buildings and grounds, \$80,000. Value of school apparatus and library, \$3,000.

Rev. P. V. Veeder, Principal.

Rev. Thomas Kirkland, Professor of Latin and Greek.

Thomas Price, Professor of Chemistry.

T. N. Robinson, Mathematics.

L. W. Reed, English Department.

Miss M. E. Clarke, Assistant, English Department.

G. C. Arnold, Teacher of German and Spanish.

A. Conlon, Teacher of French and Drawing.

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REPORT OF THE STATE NORMAL SCHOOL

For the Year Ending June 3d, 1867.

FIRST SEMI-ANNUAL SESSION.

To the Honorable the Board of Trustees :

GENTLEMEN:—The first biennial report of the State Superintendent of Public Instruction contains the report of the State Normal School for 1865, by the Principal, Mr. Geo. W. Minns. This report gives the idea and purpose of State Normal Schools. Their plans and history have been further given in other reports made to this Board, rendering it unnecessary for me to enter upon those subjects.

The first semi-annual session for 1866-7 commenced July 5th, 1866, after a vacation of four weeks. The Principal, Mr. Geo. W. Minns, having returned to the Eastern States upon a leave of absence for six months, I was appointed to conduct the school during that time. Mrs. C. R. Beales was appointed to take charge of the Sub-Junior Class, Miss E. W. Houghton taking the Junior Class.

At the opening of the term about forty of the old pupils returned, and about thirty new pupils were admitted upon examination. The school was organized as before, in three classes, and new applicants were admitted as usual, through the whole term, so that before the close of the term the number of pupils exceeded one hundred. The plan of admitting new pupils at any time during the term, whenever they happen to apply, has been objected to by every teacher conducting the school since its organization. Still it has been thought best by your Board to allow it, and the evil has seemed to be a necessary one not easy to be avoided. Pupils have also been in the habit of leaving during the term, whenever it seemed to them necessary. This has been an evil also difficult to obviate, as in most instances the necessity has seemed imperative. Still, there have been frequent cases of pupils absenting themselves without any good reasons. Attention has been called to this subject, however, so often, that I will not dwell upon it.

The course of study was considerably modified at the opening of this term. Some of the higher branches were omitted, making the course more elementary and allowing the introduction of more of the methods of teaching. This change met with some objection from pupils about to graduate, and from others who did not, perhaps, fully appreciate the

motive. The object of making the change was this: the great demand for teachers in the State is made to fill primary schools, and the call to teach advanced mathematics, logic, rhetoric, and the natural sciences, (except in an elementary degree,) is not frequent. Hence the importance of having a class of teachers fitted and *drilled* to teach in the very best manner what is really demanded. The cases are quite frequent of pupils understanding well several of those higher branches acquired by special study, and knowing next to nothing of the true principles of reading, the elements of our alphabet, or the best methods of teaching any of the most common branches.

To remedy these defects, therefore, the change was made. But while I commend this reduction of the course as proper to secure a certain result, I would urge one or two suggestions. Although the course should be, in the main, an elementary one, and every class and every pupil in the school should be required to understand the elements of every subject, and be able to teach them properly, yet there should be, in my estimation, a higher standard fixed in the present course of study for graduating classes, and strictly adhered to, which every pupil desiring and expecting a diploma should be invariably required to reach. And I deem it particularly desirable that every pupil who graduates shall have passed over, and shall have obtained a good knowledge of the *entire course* of study *required*; and that no pupil graduate upon a *partial* course. And I think the course should include, besides the completion of the present course, a portion of geometry, botany, (as now used,) and natural history; all requisite in furnishing object lessons even in primary schools. If such were carried out in reference to the graduating classes, it would meet the earnest wishes of all the more advanced portion of the school, and be regarded an inducement to pupils worth extra effort; and a diploma granted upon such attainment would be signed by all the officers with pleasure, and would be a passport to any public school in the State. Properly graduated certificates could be granted to all who did not attain to the standard fixed, which would not restrain any from teaching, nor hinder them in their course at all. There would not be as large a *number* of graduates from the school *annually*, of course, and there ought *not* to be, of the *grade* hitherto sent out; but there would be a class graduate, of whom there would be no *doubt* as to qualification; and the only question asked of such teacher need be, "Have you a diploma from the State Normal School?" There would be the same number to meet the demands of the State as now, because the undergraduates could properly supply that demand. The mere fact of graduating does not fit a pupil for teaching; and there are many graduates now teaching, who, if subjected to a written examination, could not reach a standard of over 60 per cent. in the very studies they have passed over, and which they presume to teach. The graduates should undoubtedly understand all the elements of the course thoroughly, and should then add the studies above mentioned, while the undergraduates should supply the demands for the primary schools of the State. If it is objected that the undergraduates can not supply the demand of the State, I reply that they *are doing it*, and giving good satisfaction. More than a dozen such left the school last term and were paid \$50 per month and board, and could retain their school if they chose to do so. Until this is done, the State Normal School will not, in my estimation, attain its proper dignity and influence; and, I believe, will not give satisfaction.

The Training School course was also modified to some extent, and a system of reports for pupil teachers adopted, upon which were recorded by

the teachers of the Training School, credits for teaching. These reports exerted great influence in creating interest in their manner of conducting exercises, in the course of study, and generally in whatever pertained to the school. The credit system produced much dissatisfaction among members of the school, as was perhaps to be expected. The faculty or tact for teaching is undeveloped in many, in fact in most of the pupils, and some inequality of merit must result; but many have left the school with a strong sense of injustice done them. It developed the same effects here that it does almost everywhere, and requires great care; but if judiciously managed, its results are beneficial.

The Senior Class having all left at the end of the school year, the Junior Class was promoted in a body to form a Senior Class, and not having finished the course there was no public examination at the close of the first semi-annual session in December, though there were written examinations in several of the studies. I think that *public oral* examinations should be held in a State Normal School at the close of each term. It would draw attention to the school, and would create interest in the pupils. In place of it, the school gave an entertainment which perhaps answered the same purpose, besides securing other beneficial results. The exercises were all such as pertain strictly to the school course, and could not, therefore, be deemed objectionable. They consisted of select readings, selected for vocal training; original essays, showing the results of rhetorical and composition drill, calisthenics, and music. The proceeds were expended upon the library and cabinet. This entertainment had an excellent effect upon the school, which was manifest through the entire following term. It was a trial of ability, and was successful. It removed, to a considerable degree, the impression that had hitherto existed that the school was of an inferior grade, and occupied only a secondary position compared with others and with our high schools. The exercises were spoken of by the press, without exception, as being of a superior order; and the classes, particularly the class in calisthenics, were publicly complimented by the State Superintendent for their proficiency. These friendly notices developed confidence and self-reliance in the pupils, and made them hopeful for the future, and was altogether salutary.

The second semi-annual session opened January 2d, 1867, with a larger number of pupils than had assembled at the commencement of any previous term. Before the close of the term 125 were enrolled, including 17 young men. Several things have operated to break up the order of the studies and hinder advancement during this term. An unusual demand for teachers has been made upon the school. Besides the four or five detailed regularly to the Training School, others have frequently been required by the city department. In addition to these, over 20 have been sent to fill positions in various parts of this State, and several have gone to Nevada. Six left from the Senior Class, thirteen from the Junior, and three from the Sub-Junior. As many as eight or ten have left from other causes, either decline of health or want of funds. The Junior Class numbered over forty pupils early in the term. The room was crowded so that eleven pupils had no desks for writing exercises or for their books, but at the close nearly two thirds had left.

During the latter part of the term, while the classes were passing the written examination, upon the merits of which the Senior Class were to graduate, the State Institute was holden in the city. The State Normal School was open to visitors during part of each day during that week, and attended the sessions of the institute during the balance of the day;

so that the regular exercises were necessarily suspended, and of course there was not much regular study during the last month of the term.

The Senior Class, which graduated in June, 1867, passed a written examination upon *fifteen* different studies, including arithmetic, algebra, grammar, geography, United States history, physiology, normal training, botany, rhetoric, penmanship, the Constitution, School Law, map drawing, natural philosophy, and natural history. The standard was first placed at 80 per cent; and upon that standard, about *ten* would have graduated. The standard of 75 per cent. was thought a proper one, and upon that about *fifteen* would have graduated. The standard was finally placed at 70 per cent. and *thirty-one* graduated. This examination embraced more of the school course than any that had preceded it.

In accordance with the request of the State Superintendent, I made out during the term just ended, (June 1st,) some statistics showing the total number of pupils attending the school since its foundation, from what counties entered, what counties have had no representation, the per cent. of all, from San Francisco County, etc.

I have also made a catalogue of the school, giving the names of all pupils since its organization, alphabetically arranged, together with a separate arrangement of the names of the graduating class for the past year. This catalogue is complete with the exception of one item, viz: time of attendance; this I have not been able to give in all cases, owing to imperfect records. The locality of graduates from the school is given, so far as known; and the *number* of pupils attending *each year*, showing the growth of the school, has since been added. With a little additional labor it will be ready for publication.

About one hundred dollars' worth of books has been added to the reference library, besides several volumes presented by the State Superintendent. Many specimens of natural history have also been added; and the specimens which had been removed from the building when a change of principalship occurred in 1865, have been returned.

In closing my report, I have to regret that physical debility has prevented my accomplishing all my desires; but I performed my duties faithfully and conscientiously, to the extent of my ability, and the classes at the close of the term, I believe, showed results equal to any that had preceded them.

How far my year's work has given satisfaction to the Trustees of the institution, remains for them to say. In common with very many other teachers, I can only rest upon the verdict of an approving conscience, in this missionary labor of teaching, until the hour when our life-work shall pass in review before the FINAL BOARD and the CELESTIAL TEACHER.

Respectfully submitted,

H. P. CARLTON,
Principal State Normal School.

CATALOGUE OF THE CALIFORNIA STATE NORMAL SCHOOL.

SENIOR CLASS.

Names.	Yrs.	Counties.	Date of entrance.	Nativity.
Anderson, Miss S. E.....	17	San Francisco	August 3, 1865.....	..... New York.
Anderfuren, Miss E. M	17	San Francisco	July 10, 1865.....	..... Pennsylvania.
Ashley, Miss Julia.....	18	Contra Costa.....	September 28, 1865.....	..... Ohio.
Beers, Miss A. L.....	19	San Francisco	July 5, 1866.....	..... Massachusetts.
Bevans, Miss Maggie	18	San Francisco	February 6, 1864.....	..... New York.
Bigsby, Miss Emma	16	Sonoma.....	January 4, 1867.....	..... Iowa.
Burns, Miss Jane.....	35	Santa Cruz.....	January 7, 1867.....	..... New York.
Chapman, Miss E. M.....	26	Santa Cruz.....	January 4, 1867.....	..... Indiana.
Chase, Miss C. M.....	18	San Francisco	July 20, 1865.....	..... New Hampshire.
Clark, Miss M. P.....	17	Amador.....	March 31, 1865.....	..... Iowa.
Clayton, Miss C.....	15	San Francisco	October 20, 1863.....	..... Alabama.
Duncan, Miss J.....	21	Sonoma.....	January 28, 1867.....	..... Louisiana.
Estabrook, Miss H. J.....	20	San Francisco.....	October 19, 1866.....	..... New Hampshire.
Featherly, Miss H.....	16	San Francisco	August 6, 1864.....	..... New York.
Germaine, Miss Clara.....	16	Contra Costa.....	January 7, 1867.....	..... Ohio.
Gray, Miss Anna.....	14	San Francisco.....	October 20, 1863.....	..... Massachusetts.
Gaddis, Miss Anna D.....	17	Yolo.....	January 28, 1867.....	..... Illinois.
Hart, Miss Mary.....	18	El Dorado.....	February 20, 1866.....	..... Illinois.
Harvey, Miss Ella.....	20	Alameda.....	January 15, 1867.....	..... Vermont.
Heydenfeldt, Miss Mary.....	15	San Francisco	August 6, 1864.....	..... Pacific Ocean.
Lewis, Miss Annie H.....	16	Jefferson, N. Y.....	February 18, 1867.....	..... Massachusetts.
Lewis, Miss Clelia M.....	18	San Francisco	October, 1865.....	..... South Carolina.
Locke, Miss Hattie B.....	16	San Francisco	July 5, 1866.....	..... Wisconsin.
Mowry, Miss Susie.....	16	San Francisco	July 18, 1865.....	..... Rhode Island.
Newell, Miss Lissio A.....	18	Sonoma.....	January 14, 1867.....	..... Vermont.
O'Brien, Miss C.....	17	San Francisco	July 20, 1865.....	..... New York.
Owens, Miss Nellie.....	17	San Francisco	January 8, 1864.....	..... Massachusetts.
Price, Miss Fannie M.....	18	Santa Clara.....	February 13, 1866.....	..... New Jersey.
Perkins, Miss Mary E.....	20	San Francisco.....	.....	..... Vermont.
Roberts, Miss Ella.....	17	El Dorado.....	January 2, 1867.....	..... Massachusetts.
Smith, Miss Flora E.....	15	San Francisco	August 6, 1864.....	..... New York.
Smith, Miss Grace.....	17	San Francisco.....	July 30, 1866.....	..... Scotland.
Skidmore, Miss Sophia.....	17	Yuba.....	September 4, 1865.....	..... New York.
Tattle, Miss Ida.....	18	Tehama.....	July 5, 1866.....	..... Illinois.
Wool, Miss H.....	20	San Francisco.....	January 19, 1866.....	..... Missouri.
Willard, Miss M. J.....	15	Sierra.....	January 24, 1865.....	..... Missouri.
Wright, Mrs. Ada E.....	26	San Francisco.....	January 3, 1867.....	..... Delaware.
Ashbrook, Truman.....	21	Napa.....	January 15, 1866.....	..... Ohio.
Atchinson, A. J.....	25	San Joaquin.....	March 6, 1866.....	..... New York.
Bryant, J. W.....	23	Sonoma.....	July 23, 1866.....	..... Wisconsin.
Childs, C. W.....	23	El Dorado.....	January 2, 1867.....	..... New York.
Crowhurst, William.....	21	Alameda.....	August 14, 1865.....	..... England.
De Groot, George.....	22	Santa Clara.....	January 4, 1867.....	..... Maine.
Fletcher, John.....	28	Yuba.....	May 6, 1867.....	..... Ohio.
Kennedy, J. G.....	22	Santa Clara.....	January 15, 1866.....	..... Illinois.
Kennedy, W. W.....	29	Santa Clara.....	January 2, 1867.....	..... Canada.
Lyser, Albert.....	19	San Francisco.....	July 9, 1866.....	..... Prussia.
Hopkins, A. S.....	29	Solano.....	January 21, 1866.....	..... Vermont.
Powell, Howell.....	19	Sutter.....	August 11, 1865.....	.....
Shipley, John C.....	23	Sonoma.....	January 2, 1867.....	..... Ohio.
Johns, Charles T.....	31	Tuolumne.....	January 14, 1867.....	..... England.

CATALOGUE STATE NORMAL SCHOOL—Continued.

JUNIOR CLASS.

Names.	Yrs.	Counties.	Date of entrance.	Nativity.
Atkinson, Miss Julia.....	30	Solano	January 26, 1867.....	New Brunswick.
Bonnell, Miss Alice.....	20	San Francisco.....	July 5, 1866.....	Ohio.
Bonnell, Miss Lucy.....	20	San Francisco.....	July 5, 1866.....	Ohio.
Catheart, Miss Anna.....	18	San Francisco.....	January 10, 1865.....	New Jersey.
Canfield, Miss Fanny.....	18	Monterey.....	January 10, 1866.....	Illinois.
Cocks, Miss Roxa S.....	17	San Francisco.....	January 10, 1866.....	Missouri.
Cobane, Miss Ellen M.....	25	Solano.....	January 10, 1866.....	Pennsylvania.
De Groot, Miss Cornelia.....	23	Santa Clara.....	January 4, 1867.....	New York.
Earle, Miss Carrie.....	18	San Francisco.....	February 1, 1866.....	Maine.
Gallagher, Miss E.....	17	San Francisco.....	January 10, 1866.....	Missouri.
Garfield, Miss Clara.....	18	Sacramento.....	July 5, 1866.....	Massachusetts.
Gibbons, Miss M.....	15	San Francisco.....	July 20, 1865.....	Ohio.
Gilliland, Miss.....	30	Sacramento.....	January 4, 1867.....	Ohio.
Gunn, Miss M.....	17	Alameda.....	July 5, 1865.....	Canada.
Gilbert, Miss Sarah J.....	28	El Dorado.....	September 12, 1866.....	Ohio.
Hagadorn, Miss Mary.....	18	Napa.....	July 23, 1866.....	Australia.
Hicklin, Miss Agnes.....	18	San Francisco.....	October 8, 1866.....	Indiana.
Holmes, Miss Anna C.....	15	Santa Clara.....	October 8, 1866.....	New York.
Howard, Miss Maggie.....	19	San Francisco.....	January 20, 1865.....	New York.
Joice, Miss Amelia.....	18	San Francisco.....	July 20, 1865.....	California.
Lawless, Miss Martha.....	18	San Francisco.....	August 10, 1865.....	Missouri.
Louttit, Miss Mary.....	17	Calaveras.....	January 22, 1866.....	Scotland.
Maison, Miss A. L.....	18	Contra Costa.....	1865.....	Missouri.
McColliam, Miss M. E.....	17	San Francisco.....	1865.....	Massachusetts.
McAuliff, Miss.....	20	San Francisco.....	March 23, 1867.....	New York.
McPherson, Miss Helen.....	19	San Francisco.....	August 21, 1865.....	Michigan.
Morse, Miss Jennie.....	18	Calaveras.....	June 10, 1867.....	New York.
McLaughlin, Mrs.....	...	San Francisco.....	July 5, 1866.....	Dublin.
Oglesby, Miss Jennie.....	17	San Francisco.....	July 5, 1866.....	Pennsylvania.
Parks, Miss Ida B.....	15	San Francisco.....	August 6, 1864.....	California.
Pomroy, Miss Eva.....	17	San Francisco.....	August 10, 1865.....	Missouri.
Royce, Miss Mary E.....	18	Nevada.....	July 24, 1865.....	New York.
Stokum, Miss Mariou.....	16	San Francisco.....	April 1, 1867.....	District Columbia.
Slater, Miss Henrietta.....	15	Sacramento.....	July 23, 1866.....	California.
Savage, Miss Mary E.....	16	San Francisco.....	January 24, 1866.....	Alabama.
Staples, Miss Lizzie W.....	17	San Francisco.....	July 20, 1865.....	California.
Smith, Miss F. E.....	15	San Francisco.....	August 4, 1864.....	New York.
Thurber, Miss Lillie E.....	22	Amador.....	September 24, 1866.....	Michigan.
Waters, Miss Mercy.....	17	Sacramento.....	July 5, 1866.....	Illinois.
Wickliffe, Mrs. E.....	37	Napa.....	January 4, 1867.....	Indiana.
Clark, W. R.....	20	Napa.....	January 20, 1865.....	New York.
Day, Frank A.....	16	Calaveras.....	January 2, 1866.....	New York.
Hunt, Byron E.....	27	Solano.....	March 26, 1867.....	Wisconsin.
Jones, E. W.....	19	Colusa.....	July 5, 1866.....	Wisconsin.
Magoon, Wm. H.....	21	Mariposa.....	July 5, 1866.....	Iowa.
Nolens, Michael J.....	22	San Francisco.....	July 10, 1866.....	New York.
Payne, Sumner F.....	19	Sutter.....	July 5, 1866.....	Massachusetts.
Stewart, E. M.....	21	San Joaquin.....	January 7, 1867.....	Maine.
Turner, H. F.....	20	San Joaquin.....	January 21, 1867.....	Ireland.
Torney, George.....	20	Alameda.....	October 7, 1863.....	Ireland.
Walkrip, Wm. D.....	25	San Francisco.....	April 1, 1867.....	Pennsylvania.

CATALOGUE STATE NORMAL SCHOOL—Continued.

SUB—JUNIOR CLASS.

Names.	Yrs.	Counties.	Date of entrance.	Nativity.
Bell, Miss Mary.....	17	San Francisco.....	July 5, 1866.....	..... New York.
Belding, Miss Mary L.....	19	San Francisco.....	July 5, 1866.....	..... New York.
Betaneue, Miss L. C.....	15	Alameda.....	January 4, 1867.....	..... Maine.
Brown, Miss Eletta M.....	14	Alameda.....	January 4, 1867.....	..... Wisconsin.
Burnett, Miss Lizzie.....	15	San Francisco.....	July 5, 1866.....	..... Missouri.
Campbell, Miss Ruth G.....	15	San Francisco.....	July 5, 1866.....	..... Rhode Island.
Church, Miss Mary.....	20	San Joaquin.....	July 10, 1866.....	..... Missouri.
Clapp, Miss S.....	18	San Francisco.....	July 23, 1866.....	..... Massachusetts.
Collins, Miss Emma.....	17	Yreka.....	July 5, 1866.....	..... Massachusetts.
Christensen, Miss Carrie.....	19	Alameda.....	July 8, 1866.....	..... Wisconsin.
Davison, Miss Ellen S.....	.....	Sonoma.....	July 9, 1866.....	..... Illinois.
Daly, Miss Mary A.....	18	San Francisco.....	November 6, 1866.....	..... Massachusetts.
Fitzgerald, Miss Belle.....	17	San Francisco.....	January 29, 1866.....	..... New York.
Guerne, Miss L. L.....	19	Sonoma.....	July 11, 1866.....	..... Ohio.
Guerin, Miss Maria.....	17	San Francisco.....	September 10, 1866.....	..... Canada.
Grogan, Miss Annie S.....	17	El Dorado.....	January 3, 1867.....	..... New York.
Hurt, Miss Lizzie.....	15	San Francisco.....	July 23, 1866.....	..... Indiana.
Hall, Miss Annie.....	17	San Francisco.....	July 5, 1866.....	..... New York.
Hanrahan, Miss M.....	16	San Francisco.....	July 5, 1866.....	..... New York.
Heury, Miss Julia.....	15	San Francisco.....	July 5, 1866.....	..... New York.
Hannath, Miss Malvina.....	17	San Francisco.....	August 28, 1866.....	..... Canada.
Hill, Miss Louisa.....	15	Contra Costa.....	September 24, 1866.....	..... Maine.
Holmes, Mrs.....	23	Solano.....	November 15, 1866.....	..... Indiana.
Kretsinger, Miss Kate.....	15	Butte.....	July 5, 1866.....	..... Illinois.
Lagrange, Miss Anna.....	17	Alameda.....	July 5, 1866.....	..... New York.
Little, Miss Mary.....	15	San Francisco.....	July 5, 1866.....	..... New York.
Laws, Miss Sallie C.....	16	San Francisco.....	July 5, 1866.....	..... Illinois.
Lawrence, Miss Cynthia J.....	24	Washoe.....	October 22, 1866.....	..... Michigan.
Murray, Miss Nellie.....	19	San Francisco.....	.....	..... Massachusetts.
Mackie, Miss Clara.....	18	El Dorado.....	January 7, 1867.....	..... Wisconsin.
McDermott, Miss A F.....	18	San Francisco.....	July 13, 1866.....	..... Louisiana.
McKoy, Miss.....	18	El Dorado.....	January 7, 1867.....	..... Wisconsin.
McKiunon, Miss.....	.....	.....	.....	.....
Mattingly, Miss Virginia.....	18	San Francisco.....	September 10, 1866.....	.....
O'Brien, Miss Maggie.....	16	San Francisco.....	July 27, 1866.....	..... New York.
Phelps, Miss Mabel.....	17	San Francisco.....	August 28, 1866.....	..... Rhode Island.
Preble, Miss Flora.....	17	Placer.....	September 25, 1866.....	..... Maine.
Pettit, Miss Benetta.....	18	Santa Clara.....	January 28, 1867.....	..... Illinois.
Peachy, Miss L.....	39	Contra Costa.....	January 21, 1867.....	..... New York.
Reeder, Miss Maria.....	19	Alameda.....	November 26, 1866.....	..... Louisiana.
Smith, Miss Maggie.....	15	San Francisco.....	July 9, 1866.....	..... New York.
Smith, Miss Mary.....	16	San Francisco.....	July 9, 1866.....	..... New York.
Simpson, Mrs. Maria.....	30	San Francisco.....	September 7, 1866.....	..... England.
Tuttle, Miss Ella S.....	17	San Francisco.....	November 3, 1866.....	..... Massachusetts.
Treadway, Miss Addie.....	17	Napa.....	March 27, 1867.....	..... Indiana.
Thomas, Miss M. Agnes.....	20	San Francisco.....	August 13, 1866.....	..... England.
Ward, Miss M. A.....	19	Calaveras.....	February 1, 1866.....	..... Patagonia.
Walkington, Miss Julia.....	17	San Francisco.....	July 5, 1866.....	..... New York.
Watson, Miss M. H.....	17	San Francisco.....	July 5, 1866.....	..... New York.
Whitman, Miss Kate.....	16	Alameda.....	November 12, 1866.....	..... Massachusetts.

[D]

CATALOGUE OF THE PUPILS

OF THE

CALIFORNIA STATE NORMAL SCHOOL.

FROM 1862 TO 1866.

Number of pupils admitted, 1862	31
Number of pupils admitted, 1863	62
Number of pupils admitted, 1864	75
Number of pupils admitted, 1865	83
Number of pupils admitted, 1866	100
Number of pupils admitted second term, from January, 1867, to May 30th.....	34
Total	384
Number of males admitted	66
Number of females admitted	319
Total	384
Number of graduates.....	108

NUMBER ADMITTED FROM DIFFERENT COUNTIES.

Alameda	15	Santa Cruz	4
Amador	6	San Joaquin.....	11
Butte	2	Solano.....	7
Contra Costa.....	10	San Mateo.....	2
Calaveras	6	Sonoma.....	11
Colusa	2	Sierra.....	2
El Dorado	10	Sutter	4
Humboldt.....	1	Siskiyou	2
Lake	1	San Francisco	201
Marin	4	Tulare.....	3
Monterey	3	Tuolumne.....	2
Mendocino	1	Trinity	1
Nevada.....	2	Tebama.....	2
Napa.....	7	Washoe	1
Placer	7	Yuba	7
Sacramento	17	Yolo.....	1
Santa Clara.....	21	Miscellaneous.....	8

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

1862.

Names.	Counties.	Date of entrance.	Nativity.
Baldwin, Ellen S.....	Contra Costa.....	July 21 .....	..... Massachusetts.
Comstock, Bertha.....	San Francisco.....	July 28.....	..... Louisiana.
Clayton, Julia	San Francisco.....	August 6.....	..... New York.
Damon, Lizzie	San Francisco.....	November 28.....	..... Vermont.
Fink, P. Augusta.....	San Francisco.....	July 21.....	..... Wisconsin.
Favor, Sarah E.....	San Francisco.....	August 1.....	..... Illinois.
Follio, M.....	San Francisco.....	August 1.....	..... Unknown.
Francis, Clara.....	San Francisco.....	September 20.....	..... New Hampshire.
Grant, Ellen.....	Nevada.....	July 21.....	..... Massachusetts.
Grant, Helen A.....	San Francisco.....	September 12.....	..... New York.
Hart, Nellie.	San Francisco.....	July 21.....	..... England.
Hill, Emily L.....	San Francisco.....	July 21.....	..... Pennsylvania.
Harris, Martha.....	San Francisco.....	August 1.....	..... New York.
Haskill, Helen A.....	San Francisco.....	September 12.....	..... Massachusetts.
Libbey, E.....	San Francisco.....	July 28.....	..... Maine.
Levinson, Rebecca.....	San Francisco.....	August 10.....	..... Louisiana.
Mails, Louisa	San Francisco.....	July 31 .....	..... Louisiana.
Mayhew, Belle.....	San Francisco.....	July 31 .....	..... Indiana.
Mower, Flora.....	San Francisco.....	September 12.....	..... Maine.
Parrain, Charlotte.	San Francisco.....	August 10 .....	..... France.
Potter, Lizzie.....	San Francisco.....	November 1.....	..... Massachusetts.
Raymond, Lois N.	San Francisco.....	August 1.....	..... Massachusetts.
Solomon, Eve	San Francisco.....	August 13. ....	..... Australia.
Stebbins, Jennie E.....	San Francisco.....	August 1.....	..... New York.
Scott, Minnie.....	Alameda.....	August 9.....	..... Nova Scotia.
Toy, Alice.....	San Francisco.....	August 10 .....	..... New York.
Winslow, Victoria.....	San Francisco.....	August 10 .....	..... Delaware.
Williams, May.....	Marin.....	November 20 .....	..... New Zealand.
Randle, F. G.....	San Francisco.....	July 21.....	..... Illinois.
Ryan, Peter N.....	San Francisco.....	August 1.....	..... Missouri.
Bohannon, Elliott.....	Sacramento.....	October 20.....	..... Kentucky.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

1863.

Names.	Counties.	Date of entrance.	Nativity.
Barry, Mary C	San Francisco	August 3.....	.....Ireland.
Beverly, Victoria.....	Santa Clara.....	January 13.....	.....Massachusetts.
Brown, Hattie.....	San Francisco	August 10.....	.....New Hampshire.
Barber, Florence.....	Calaveras.....	September 17.....	.....New York.
Brady, Madeline.....	San Francisco	October 20.....	.....New York.
Cutting, Jennie.....	San Francisco	February 1.....	.....Massachusetts.
Cameron, Augusta.....	San Francisco	October 9.....	.....California.
Clayton, Kate.....	San Francisco	October 20.....	.....Alabama.
Carswell, Abbie.....	San Francisco	October 20.....	.....New Hampshire.
Clayton, Josephine E.....	San Francisco	October 20.....	.....New York.
Doud, Nettie.....	San Francisco	August 3.....	.....Pennsylvania.
Davis, Sadie.....	San Francisco	October 13.....	.....Illinois.
Fairchild, Lizzie.....	Yuba.....	January 23.....	.....New York.
Formals, Susie.....	San Francisco	September 16.....	.....New Jersey.
Flint, Elmira.....	San Francisco	October 20.....	.....Massachusetts.
Field, Carrie.....	Santa Cruz.....	October 19.....	.....Wisconsin.
Glidden, Georgiana.....	San Francisco	January 13.....	.....New York.
Gibbons, Anna.....	San Francisco	March 20.....	.....Pennsylvania.
Gibbons, Eleanor P.....	San Francisco	March 20.....	.....Pennsylvania.
Gorman, Mary.....	San Joaquin.....	August 26.....	.....Ireland.
Gray, Anna.....	San Francisco	October 20.....	.....Massachusetts.
Gummer, Lillie.....	San Francisco	October 30.....	.....Sandwich Islands.
Haskell, Henrietta.....	San Francisco	January 13.....	.....Massachusetts.
Hammond, Jennie.....	San Francisco	February 1.....	.....Ohio.
Howard, Eliza.....	Sacramento.....	August 3.....	.....Wisconsin.
Hays, Mary A.....	San Francisco	August 17.....	.....Massachusetts.
Hathaway, Sarah.....	San Francisco	October 20.....	.....Maine.
Holmes, Anne.....	San Francisco	October 20.....	.....Massachusetts.
Hess, Sarah.....	San Francisco	October 20.....	.....Louisiana.
Jordan, Maggie.....	San Francisco	August 3.....	.....New York.
Jourden, Anne M.....	San Francisco	August 3.....	.....England.
Kimball, Adne.....	San Francisco	February 26.....	.....Maine.
Krauth, M. Augusta.....	El Dorado.....	March 4.....	.....New York.
Kennedy, Anna.....	San Francisco	October 7.....	.....Missouri.
Kidd, Elmhira.....	Sacramento.....	August 3.....	.....Unknown.
Levinson, Octavia.....	San Francisco	October 2.....	.....Texas.
Long, Fanny.....	Sacramento.....	August 3.....	.....Vermont.
Littlefield, Nellie.....	Yuba.....	August 24.....	.....Massachusetts.
McEntee, Margaret.....	San Francisco	August 15.....	.....Ireland.
Morgan, Florence.....	San Francisco	October 20.....	.....New York.
Miller, Sarah.....	San Francisco	October 20.....	.....New York.
Morgan, Lydia.....	Contra Costa.....	October 20.....	.....Pennsylvania.
Menges, Carrie.....	San Francisco	October 20.....	.....New York.
Mills, Sophronia.....	San Joaquin.....	December 7.....	.....Wisconsin.
Norton, W. J.....	San Francisco	October 19.....	.....Louisiana.
Olinger, Charlotte A.....	Solano.....	January 13.....	.....Wisconsin.
Olinger, Olive A.....	Solano.....	January 13.....	.....Wisconsin.
Piper, Frances.....	San Francisco	October 20.....	.....Massachusetts.
Pinkham, Helen.....	San Francisco	October 20.....	.....Missouri.
Perry, Fanny.....	San Francisco	October 20.....	.....Missouri.
Thorndike, Adele.....	San Francisco	October 20.....	.....Unknown.
White, Emma.....	San Francisco	January 13.....	.....Massachusetts.
Whigham, Apoline.....	San Francisco	January 13.....	.....Pennsylvania.
White, Lizzie.....	San Francisco	October 20.....	.....New Zealand.
Ruthrauff, Lizzie.....	San Francisco	January 13.....	.....New York.
Rierson, Hellen.....	San Francisco	August 3.....	.....Unknown.
Farley, Eben C.....	Alameda.....	January 13.....	.....Pennsylvania.
Ashbrook, Martin V.....	Napa.....	January 23.....	.....Ohio.
Wermuth, H.....	San Francisco	January 13.....	.....New York.
Bacon, T. F.....	San Francisco	January 24.....	.....Connecticut.
Trowbridge, Nelson S.....	Amador.....	September 16.....	.....Michigan.
Torney, George.....	Alameda.....	October 7.....	.....Ireland.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

1864.

Names.	Counties.	Date of entrance.	Nativity.
Allyne, Lucinda W.....	San Francisco.....	April 5.....	Massachusetts.
Beverly, Maggie.....	Santa Clara.....	January 26.....	Massachusetts.
Bucknam, Theresa.....	San Francisco.....	February 8.....	Massachusetts.
Barnstead, Valeria.....	San Francisco.....	February 8.....	Pennsylvania.
Barnes, Mary L.....	Alameda.....	February 29.....	New York.
Cummings, Kate.....	San Francisco.....	January 8.....	Massachusetts.
Carey, Susie.....	Santa Clara.....	January 8.....	Wisconsin.
Cummings, Clara A.....	San Francisco.....	February 1.....	Massachusetts.
Copinger, Emma.....	San Mateo.....	February 17.....	California.
Chalmers, Agnes.....	San Francisco.....	February 19.....	California.
Campbell, Cornelia E.....	Sonoma.....	August 6.....	America.
Campbell, Amy F.....	Contra Costa.....	November 1.....	Rhode Island.
Day, Jennie O.....	Santa Clara.....	January 8.....	New York.
Doane, Anne.....	Santa Clara.....	January 24.....	California.
Desmond, Ella.....	San Francisco.....	October 15.....	New York.
Desmond, Kate.....	San Francisco.....	November 1.....	New York.
Fennel, Maggie A.....	San Francisco.....	February 1.....	Canada East.
Featherly, Henrietta.....	San Francisco.....	August 6.....	New York.
Greer, Jane E.....	San Mateo.....	January 25.....	Ireland.
Goldsmith, Mary.....	San Francisco.....	February 1.....	Poland.
Gwinn, Minnie.....	San Francisco.....	August 6.....	Canada.
Gallagher, Isabel.....	Santa Clara.....	November 17.....	Missouri.
Gates, H. M.....	San Francisco.....	November 17.....	Missouri.
Hawley, Annette.....	Napa.....	August 15.....	Ohio.
Heydenfeldt, Mary.....	San Francisco.....	August 6.....	Pacific Ocean.
Heslep, Mary M.....	San Francisco.....	August 16.....	Ohio.
Hall, Mary E.....	San Francisco.....	November 1.....	New York.
Hyman, Deborah.....	San Francisco.....	November 1.....	New York.
Jewett, Lizzie.....	Santa Clara.....	January 8.....	Maine.
Jewett, Anne.....	Santa Clara.....	January 8.....	Maine.
Keightly Lizzie.....	San Francisco.....	August 6.....	New York.
Kaemesling, Mrs. M. H.....	El Dorado.....	September 15.....	Vermont.
Lealey, Isabel.....	San Francisco.....	August 6.....	Missouri.
Liddell, Mary J.....	.....	.....	.....
Lowe, Dora.....	.....	.....	.....
McConnell, Anne.....	Sacramento.....	August 6.....	Vermont.
McConnell, Mary.....	Sacramento.....	August 6.....	Vermont.
Moore, Belle.....	Amador.....	September 4.....	Missouri.
Mellon, Kate L.....	San Francisco.....	November 1.....	New York.
Nichols, F. A. Estelle.....	San Francisco.....	January 24.....	Connecticut.
Owens, Nellie.....	San Francisco.....	January 8.....	Massachusetts.
O'Connor, Mary A.....	San Francisco.....	August 8.....	Ireland.
Perkins, Mary.....	Placer.....	January 8.....	Massachusetts.
Parks, Ida.....	San Francisco.....	August 6.....	California.
Philips, Anne E.....	Monterey.....	October 1.....	New York.
Patton, M. J.....	San Francisco.....	September 19.....	Missouri.
Patton, Elizabeth.....	San Francisco.....	September 19.....	Missouri.
Reed, Mary E.....	.....	.....	.....
Raven, H. S.....	.....	.....	.....
Smith, Jane.....	.....	.....	.....
Springstead, Mary.....	.....	.....	.....
Slater, A.....	.....	.....	.....
Smith, Mary C.....	San Francisco.....	January 8.....	New York.
Soulé, Fanny.....	San Francisco.....	January 14.....	Maine.
Smith, Florence.....	San Francisco.....	August 6.....	New York.
Sawyer, Philena.....	San Francisco.....	August 1.....	Vermont.
Sweetland, Delia.....	San Francisco.....	October 1.....	Iowa.
Thomas, Delia D.....	Santa Clara.....	January 8.....	Illinois.
Taggart, Caroline.....	Alameda.....	January 24.....	Unknown.
Taylor, Maggie L.....	El Dorado.....	August 6.....	Massachusetts.
Wainwright, Mary E.....	San Francisco.....	April 3.....	Pennsylvania.
Wade, Margaret.....	San Francisco.....	February 14.....	New Zealand.
Whigham, V. A.....	San Francisco.....	August 16.....	Pennsylvania.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

Names.	Counties.	Date of entrance.	Nativity .
Wheeler, V. S.....	San Francisco.....	August 19.....	.....Maine.
Williams, V. A.....	Yuba.....	October 1.....	.....Maine.
Youngsbury, Mary.....	San Francisco.....	August 6.....	.....Illinois.
Hammond, J. S.....	San Francisco.....	January 24.....	.....Massachusetts.
Smith, Nchemiah.....	Lake.....	January 8.....	.....New York.
McBride, Henry E.....	Tulare.....	August 6.....	.....Iowa.
Broadbent, Elijah.....	Sierra.....	August 6.....	.....England.
Brooks, Edward S.....	Mendocino.....	August 6.....	.....Georgia.
Bradshaw, Wm. K.....	Sutter.....	August 1.....	.....Illinois.
Hart, G. W.....	Monterey.....	September 4.....	.....Missouri.
Beaver, H. S.....	Contra Costa.....	September 8.....	.....Missouri.
Rousseau, E.....	.....	.....	.....

1865.

Names.	Counties.	Date of entrance.	Nativity.
Arcy, Helen S.....	San Francisco.....	January 24.....	.....Massachusetts.
Anderfuren, Emily M.....	San Francisco.....	July 4.....	.....Pennsylvania.
Anderson, Sarah E.....	San Francisco.....	August 3.....	.....New York.
Ashley, Julia V.....	Contra Costa.....	September 4.....	.....Ohio.
Bryant, Anna.....	Sonoma.....	January 10.....	.....Illinois.
Burrell, Helen M.....	Santa Clara.....	January 10.....	.....Illinois.
Bones, Rebecca.....	San Francisco.....	January 10.....	.....Pennsylvania.
Bevans, Margaret.....	San Francisco.....	February 6.....	.....New York.
Catheart, Anna.....	San Francisco.....	January 10.....	.....New Jersey.
Chipchase, Emily.....	San Francisco.....	February 1.....	.....Canada East.
Calkin, Katy.....	San Francisco.....	February 1.....	.....Maine.
Chase, Caroline M.....	San Francisco.....	July 20.....	.....New Hampshire.
Clark, Bella R.....	Butte.....	July 18.....	.....New York.
Clarke, Mary P.....	Amador.....	March 31.....	.....Iowa.
Davis, Mrs. E.....	Sacramento.....	January 15.....	.....Unknown.
Denny, Emma.....	San Francisco.....	January 20.....	.....New York.
Doe, Ella J.....	San Francisco.....	July.....	.....Massachusetts.
Edson, Elizabeth S.....	Siskiyou.....	July 20.....	.....Illinois.
Estabrook, Mary A. II.....	Tulare.....	July 10.....	.....Kentucky.
Frisel, Sarah E.....	San Francisco.....	January 10.....	.....Massachusetts.
Gibbons, Margaret E.....	San Francisco.....	July 20.....	.....Ohio.
Gunn, Anne.....	Alameda.....	February 5.....	.....Canada East.
Gunn, Margaret.....	Alameda.....	July 5.....	.....Canada East.
Ganzena, Garrison.....	San Francisco.....	September 4.....	.....New York.
Gummes, Mary M.....	San Francisco.....	January.....	.....New York.
Howard, Maggie.....	San Francisco.....	January 15.....	.....New Jersey.
Haas, Clarissa.....	Alameda.....	February 13.....	.....Pennsylvania.
Hatch, Emma F.....	San Francisco.....	July 20.....	.....Massachusetts.
Hurlbut, Belle M.....	San Francisco.....	February 13.....	.....New York.
Joice, Amelia.....	San Francisco.....	July 20.....	.....California.
Kidder, Clara B.....	San Francisco.....	January 10.....	.....Maine.
Kendall, Lisia.....	Calaveras.....	July 10.....	.....Iowa.
Lewis, Clelia M.....	San Francisco.....	July 10.....	.....South Carolina.
Lawless, Martha A.....	San Francisco.....	August 10.....	.....Missouri.
Murphey, Mary.....	Tuolumne.....	July 20.....	.....Louisiana.
Moulthrop, Mary.....	San Francisco.....	July 20.....	.....New Hampshire.
Maison, Amelia L.....	Contra Costa.....	July 10.....	.....Iowa.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

Names.	Counties.	Date of entrance.	Nativity.
McPherson, Helen.....	San Francisco.....	August 21.....	Michigan.
Mowry, Susan A.....	San Francisco.....	August 18.....	Rhode Island.
McColliam, Mary E.....	San Francisco.....	July 10.....	Massachusetts.
Magruder, Antoinette.....	San Francisco.....	August 14.....	Kentucky.
Merritt, Jennie S.....	Santa Clara.....	September 7.....	Ohio.
Newberger, Sarah.....	Yuba.....	July 20.....	Germany.
O'Brien, Catherine A.....	San Francisco.....	July 20.....	New York.
O'Conner, Maria E.....	San Francisco.....	September 4.....	New York.
Patten, Lelia.....	San Francisco.....	January 10.....	Maine.
Perkins, Mary E.....	Colusa.....	July 20.....	Vermont.
Pascoe, Mary J.....	Placer.....	July 10.....	Wisconsin.
Pomroy, Eva C.....	San Francisco.....	August 10.....	Missouri.
Potter, Elizabeth A.....	San Francisco.....	October 21.....	New York.
Patten, Ellen.....	Santa Clara.....	November 3.....	Missouri.
Reynolds, Elizabeth.....	Placer.....	April 8.....	New York.
Royce, Mary E.....	Nevada.....	July 10.....	New York.
Simon, Frances.....	San Francisco.....	February 10.....	Canada.
Staples, Elizabeth.....	San Francisco.....	July 20.....	California.
Skidmore, Sophia E.....	Yuba.....	September 28.....	New York.
Seaman, Mary J.....	San Francisco.....	July 20.....	New York.
Soulé, Maria.....	Placer.....	July 10.....	Massachusetts.
Smith, Mrs. Sarah.....	San Francisco.....	August 3.....	England.
Willard, Mary F.....	Sierra.....	January 24.....	Missouri.
Palmer, Samuel G.....	Solano.....	January 10.....	Kentucky.
Fishburn, Harvey J.....	Sonoma.....	January 10.....	Illinois.
Plummer, Elijah J.....	San Joaquin.....	January 10.....	Ohio.
Megerle, Louis J.....	San Joaquin.....	January 10.....	Ohio.
Kennedy, James F.....	Contra Costa.....	January 10.....	Missouri.
Pershim, George S.....	Humboldt.....	January 10.....	Pennsylvania.
Stevenson, C. Frank.....	Sacramento.....	January 15.....	New York.
Louttit, James A.....	Calaveras.....	January 15.....	Louisiana.
Atchinson, A. J.....	San Joaquin.....	January 17.....	Louisiana.
Harrum, Luke G.....	San Francisco.....	February 1.....	New York.
Huntley, A. H.....	Marin.....	February 13.....	Illinois.
Howe, Edgar A.....	Trinity.....	March 10.....	Pennsylvania.
Stevenson, John H.....	Placer.....	March 13.....	Mississippi.
Yokum, Isaac C.....	Alameda.....	July 20.....	Missouri.
Flood, Noah F.....	Placer.....	July 10.....	Massachusetts.
Humphrey, Erum D.....	Solano.....	July 10.....	Ohio.
Moore, John A.....	Sutter.....	July 10.....	Georgia.
Warren, Edward.....	Amador.....	July 10.....	Canada.
Powell, Howell.....	Sutter.....	August 11.....	England.
Reed, John E.....	Solano.....	October 24.....	Ohio.
Clark, Wm. K.....	Napa.....	January 25.....	Louisiana.
Woods, M. A.....	San Francisco.....	July 20.....	Wisconsin.
Crowhurst, Wm. M.....	Alameda.....	August 14.....	England.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

1866.

Names.	Counties.	Date of Entrance.	Nativity.
Armstrong, Eliza.....	San Francisco.....	April 23.....	.....New York.
Bonnell, Lucy.....	San Francisco.....	January 19.....	.....Ohio.
Baldwin, Angela.....	San Francisco.....	March 6.....	.....New York.
Bonnell, Lucy.....	San Francisco.....	July 5.....	.....Ohio.
Barnstead, Valeria.....	San Francisco.....	July 5.....	.....Pennsylvania.
Beers, Adrianna.....	San Francisco.....	July 5.....	.....Massachusetts.
Belding, Mary L.....	San Francisco.....	July 5.....	.....New York.
Burnett, Lizzie.....	San Francisco.....	July 5.....	.....Missouri.
Bell, Mary.....	San Francisco.....	July 5.....	.....New York.
Campbell, Ruth G.....	San Francisco.....	July 5.....	.....Rhode Island.
Cobane, Ellen M.....	San Francisco.....	January 19.....	.....Missouri.
Cocks, Roxa L.....	San Francisco.....	January 19.....	.....Missouri.
Canfield, Fannie.....	Monterey.....	January 19.....	.....Illinois.
Crooker, Susan J.....	Marin.....	February 13.....	.....Maine.
Collins, Emma.....	Siskiyou.....	July 5.....	.....Massachusetts.
Church, Mary.....	San Joaquin.....	July 10.....	.....Missouri.
Clapp, Sophronia.....	San Francisco.....	July 23.....	.....Massachusetts.
Clegg, Rebecca.....	San Francisco.....	July 9.....	.....Australia.
Christensen.....	Alameda.....	July 9.....	.....Wisconsin.
Davidson, Ellen S.....	Sonoma.....	July 9.....	.....Illinois.
Daly, Mary A.....	San Francisco.....	November 6.....	.....Massachusetts.
Earle, Carrie.....	San Francisco.....	February 1.....	.....Georgia.
Estabrook, Hattie.....	San Francisco.....	October 19.....	.....New Hampshire.
Ferris, Martha.....	San Francisco.....	July 9.....	.....New York.
Fitzgerald, Bell.....	San Francisco.....	January 29.....	.....New York.
Guinness, Mary M.....	San Francisco.....	January 15.....	.....New York.
Gallagher, Nellie.....	San Francisco.....	January 19.....	.....Missouri.
Garfield, Clara M.....	Sacramento.....	July 5.....	.....Massachusetts.
Guerne, L. L.....	Sonoma.....	July 11.....	.....Ohio.
Guerin, Maria.....	San Francisco.....	September 10.....	.....Canada.
Gilbert, Sarah J.....	El Dorado.....	September 12.....	.....Ohio.
Hart, Mary.....	El Dorado.....	February 20.....	.....New York.
Heney, Julia.....	San Francisco.....	July 5.....	.....New York.
Hall, Anna.....	San Francisco.....	July 5.....	.....New York.
Hanrahan, Marcella.....	San Francisco.....	July 5.....	.....New York.
Hassett, E. T.....	San Francisco.....	July 16.....	.....New York.
Hagadorn, Mary E.....	Napa.....	July 23.....	.....Australia.
Hurt, Lizzie.....	San Francisco.....	July 23.....	.....Indiana.
Hannath, Malvina.....	San Francisco.....	August 28.....	.....Canada.
Hill, Louisa.....	Contra Costa.....	September 24.....	.....Maine.
Holmes, Emma.....	Santa Clara.....	October 8.....	.....New York.
Holmes, Anna C.....	Santa Clara.....	October 8.....	.....New York.
Hicklin, Agnes.....	San Francisco.....	October 8.....	.....Indiana.
Holmes, Mrs.....	Solano.....	November 15.....	.....Missouri.
Kretsinger, Kate.....	Butte.....	July 5.....	.....Illinois.
Louitt, Mary.....	Calaveras.....	January 22.....	.....Scotland.
Loeke, Hattie B.....	San Francisco.....	July 5.....	.....Wisconsin.
Laws, Sallie C.....	San Francisco.....	July 5.....	.....Illinois.
L. e. Mary.....	San Francisco.....	July 5.....	.....New York.
La Grange, Anna.....	Alameda.....	July 5.....	.....New York.
Lawrence, Cynthia J.....	Washoe.....	October 22.....	.....Michigan.
Morgan, Lizzie A.....	Sacramento.....	January 15.....	.....England.
Morgan, Mary J.....	Sacramento.....	January 15.....	.....England.
McConnell, Delia.....	Sacramento.....	January 15.....	.....New York.
Merrett, Mary R.....	Santa Clara.....	January 19.....	.....Ohio.
Moore, Nellie.....	Amador.....	January 19.....	.....Missouri.
Macale, Clara.....	San Francisco.....	July 5.....	.....Massachusetts.
Murray, Nellie.....	San Francisco.....	July 23.....	.....Scotland.
McDermott, Annie.....	San Francisco.....	July 13.....	.....Louisiana.
Mattingley, Virginia.....	San Francisco.....	September 10.....	.....Mississippi.
McLaughlin, Mrs.....	San Francisco.....	July 5.....	.....Dublin.
Oglesby, Jennie.....	San Francisco.....	July 5.....	.....Pennsylvania.
O'Brien, Maggie.....	San Francisco.....	August 13.....	.....New York.

CATALOGUE PUPILS STATE NORMAL SCHOOL—Continued.

Names.	Counties.	Date of Entrance.	Nativity.
Pepper, Adella.....	San Joaquin.....	January 19.....	Connecticut.
Price, Fannie M.....	Marin.....	February 13.....	Maine.
Phelps, Mabel.....	San Francisco.....	August 28.....	Louisiana.
Preble, Flora.....	Placer.....	September 25.....	Maine.
Reitchie, Mattie.....	San Francisco.....	January 19.....	New York.
Richardson, Martha E.....	San Joaquin.....	March 27.....	
Reeder, Maria.....	Alameda.....	November 26.....	Louisiana.
Smith, Mary.....	San Francisco.....	January 19.....	Australia.
Savage, Mary E.....	San Francisco.....	January 24.....	Alabama.
Smith, Mary A.....	San Francisco.....	July 5.....	New York.
Smith, Maggie.....	San Francisco.....	July 5.....	New York.
Slater, Henrietta.....	Sacramento.....	July 23.....	California.
Smith, Grace.....	San Francisco.....	July 30.....	Scotland.
Simpson, Mrs. Maria.....	San Francisco.....	September 7.....	England.
Tuttle, Ida.....	Tehama.....	July 5.....	Illinois.
Thomas, Mary Agnes.....	San Francisco.....	August 13.....	England.
Thurber, Lillie E.....	Amador.....	September 24.....	Michigan.
Tuttle, Ella S.....	Tehama.....	December 3.....	Massachusetts.
Ward, Mary A.....	Calaveras.....	February 1.....	Patagonia.
Waters, Mercy.....	Sacramento.....	July 5.....	Illinois.
Walkington, Julia.....	San Francisco.....	July 5.....	New Jersey.
Watson, Margaret H.....	San Francisco.....	July 5.....	New York.
Whitman, Kate.....	Alameda.....	November 12.....	Massachusetts.
Atchinson, Austin J.....	San Joaquin.....	March 6.....	New York.
Ashbrook, Truman P.....	Napa.....	January 15.....	Ohio.
Beardsley, Louis.....	Tulare.....	July 6.....	New York.
Bryant, J. W.....	Sonoma.....	July 23.....	Wisconsin.
Jones, Ed. W.....	Colusa.....	July 5.....	Wisconsin.
Kennedy, Jas. G.....	Santa Clara.....	January 15.....	Illinois.
Lyser, Albert.....	San Francisco.....	July 9.....	Prussia.
Magoon, Win. H.....	Sonoma.....	July 5.....	Iowa.
Nolen, Michael.....	San Francisco.....	July 5.....	New York.
Olinger, Abner F.....	Santa Cruz.....	January 15.....	Tennessee.
Paine, Sumner F.....	Sutter.....	July 5.....	Boston.
Rogers, Arthur.....	Santa Clara.....	January 15.....	Tennessee.
Trowbridge, Nelson S.....	Santa Clara.....	January 15.....	Illinois.
White, Silas A.....	San Francisco.....	January 15.....	New York.

[E]

REVISED SCHOOL LAW.

AN ACT TO PROVIDE FOR A SYSTEM OF COMMON SCHOOLS.

Approved March 24th, 1866.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows :*

STATE BOARD OF EDUCATION.

SECTION 1. There shall be a State Board of Education, which shall consist of the Governor, the Superintendent of Public Instruction, the Principal of the State Normal School, the Superintendent of Public Schools of the City and County of San Francisco, the Superintendents of Common Schools of the respective Counties of Sacramento, Santa Clara, and San Joaquin, and of two professional teachers, who shall be nominated by the Superintendent of Public Instruction, and elected by and with the advice and consent of said Board; *provided*, that no teacher shall be eligible to such election unless he is the holder of a State educational diploma. For the purpose of the primary organization of the Board, any five members may meet at the call of the Superintendent of Public Instruction, and elect the members to be elected. The elective members shall hold office for the term of four years, dating from the first day of July next succeeding their respective elections. The Governor shall be the President, and the Superintendent of Public Instruction the Secretary of the Board, and five members shall constitute a quorum for the transaction of business; *provided*, that a majority of the votes of the whole Board shall be necessary for the passage of any measure. The Board shall meet at the call of the Secretary, and shall hold at least two meetings in each year; and its proceedings shall be kept in a record book, which shall be a part of the archives of the Department of Instruction. No member of said Board shall receive any compensation for his

services; but any stationery required for the Board shall be furnished from the office of the Secretary of State, and any printing required by it under the provisions of this Act shall be done by the State Printer.

SEC. 2. The State Board of Education shall have power to adopt a course of study, and rules and regulations for all public schools in the State; *provided*, that such rules shall not be enforced in conflict with special rules and regulations adopted by the Board of Education of any city, or any city and county; to adopt and prescribe regulations and a list of books suitable for district school libraries; to grant teachers' life diplomas, and prescribe regulations for the examination of teachers by State, City, or County Boards of Examination; to adopt a uniform State series of text books to be used in all public schools; to have and use a common seal; and to authorize the printing by the State Printer of all regulations and circulars necessary to carry their provisions into effect.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 3. The Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-seven, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. He shall be paid a salary of three thousand dollars per annum, and shall have power to appoint a Clerk, who shall be paid a salary of eighteen hundred dollars per annum, and who shall be authorized to act as Deputy Superintendent.

SEC. 4. The Superintendent of Public Instruction shall report to the Governor biennially on the first of November of the years in which the regular session of the Legislature is held. The Governor shall transmit said report to the Legislature, and whenever it is ordered published, the State Printer shall bind two hundred and forty copies and deliver them to the Superintendent, who shall deposit twenty copies in the State Library, furnish one copy to each County Superintendent, to be held by him as public property and delivered to his successor in office; the remaining copies shall be distributed—one to the State Library of each State and Territory, and the others to such cities, institutions of learning, and persons, as he may deem proper. The Legislature shall furnish at least two thousand pamphlet copies to the Superintendent, who shall furnish one copy to each district library, and shall distribute the remainder as he may deem advisable to school officers or other persons. Said report shall contain a statement of the condition of public schools in the State; full statistical tables, by counties, showing, among other statistics, the number of school children in the State, the number attending public schools, and the average attendance; the number attending private schools, and the number not attending school; the amount of State School Fund apportioned, and the sources from which derived; the amount raised by county and district taxes, by rate bills, or from other sources of revenue for school purposes; the amount expended for salaries of teachers, and for building schoolhouses; a statement of plans for the management and improvement of schools; a statement of the condition of the State Normal School, of the State Agricultural College, of all incorporated literary institutions required to report to him; of the educational departments of the State Reform School, the Asylum for the Deaf and Dumb and Blind, and the several Orphan Asylums, and other educational institutions to which State appropriations may be made.

SEC. 5. The Superintendent of Public Instruction, immediately after the State Controller reports to him, as required in this Act, shall apportion to the several school districts, counties, and cities, the school moneys to which each may be entitled, and shall furnish to the State Controller, the State Board of Examiners, to each County Treasurer and Superintendent, an abstract of such apportionment, and shall draw his order on the State Controller in favor of each County Treasurer for the amount of State School Fund to which such county is entitled, and shall take each Treasurer's receipt for the same.

SEC. 6. The Superintendent of Public Instruction shall prepare and cause to be printed suitable forms for making all reports, and conducting all necessary proceedings under this Act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish the State Board of Education, the State Board of Examination, and each County Board of Examination with suitable diplomas and certificates, and shall prepare a State school register, which shall be furnished to each school and school district in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business; the course of study, rules and regulations, and list of text books and library books adopted and prescribed by the State Board of Education; and such suggestions on school architecture as he may deem useful, with such woodcuts and plans of schoolhouses as he may be able to obtain, or which may be provided by State appropriation. He shall order printed a number of copies sufficient to supply each school officer and teacher, and each school library with at least one copy thereof, and to furnish with one copy each Superintendent of Public Instruction, and each State Library of each State and Territory in the United States, and shall so distribute them.

SEC. 7. The Superintendent of Public Instruction shall file, arrange, and cause to be bound in a substantial form all valuable printed and manuscript reports in his office relating to the early educational history of this State, and shall cause to be bound all valuable school reports, school journals, and school documents of this and other States which may be sent to his office, and shall retain them as part of the archives of his office; and such sum as may be necessary, not to exceed two hundred and fifty dollars, is hereby annually appropriated and set apart out of the State School Fund, before apportionment, and the Controller is hereby authorized and directed to draw his warrant for such sums as may be allowed and audited by the State Board of Examiners for the objects of this section.

SEC. 8. The Superintendent of Public Instruction shall be ex officio one of the Trustees of the Asylum for the Deaf and Dumb and Blind, and of the State Reform School; and shall visit those institutions from time to time to inquire into their management and the systems of instruction pursued therein, and shall make a biennial report thereof. He shall visit the several Orphan Asylums to which State appropriations are made, and report concerning the instruction given to the children therein; and shall also visit, as far as may be practicable, the several incorporated literary institutions in the State, and make such report thereof as he may deem proper.

SEC. 9. It shall be the duty of the Superintendent of Public Instruction to travel in the different counties of the State, so far as is possible without neglecting his other official duties, during at least four months of each year, for the purpose of visiting schools, of consulting with

County Superintendents, of lecturing before County Institutes, and of addressing public assemblies on subjects pertaining to public schools; and the actual travelling expenses incurred by the Superintendent in the discharge of this duty shall be allowed, audited, and paid out of the General Fund in the same manner as claims upon said fund are now allowed, audited, and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars; and the sum of two thousand dollars, or so much thereof as may be necessary, is hereby biennially appropriated for payment of the same.

SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

OF THE STATE CONTROLLER.

SEC. 11. The State Controller shall keep a separate and distinct account of the School Fund, and of the interest and income thereof, together with such moneys as may be raised by special State tax, State poll tax, or otherwise, for school purposes. He shall, on or before the first day of February of each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the Treasury subject to apportionment, and the several sources from which they accrued, which reports shall be included in the biennial report of the State Superintendent. He shall draw his warrant on the State Treasurer in favor of any County Treasurer whenever such County Treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said County Treasurer.

OF THE STATE TREASURER.

SEC. 12. It shall be the duty of the State Treasurer to receive and hold as a special deposit all school moneys paid into the Treasury, and pay them over whenever applied for, only on the warrant of the State Controller, issued on the order of the State Superintendent, attested by the seal of the State Board of Education, in favor of each County Treasurer, which orders, duly indorsed by the County Treasurer, shall be the only valid vouchers in the hands of the State Controller for the disbursement of the school moneys; *provided*, that for the payment of subscriptions for a State educational journal, and for binding documents in the office of the Superintendent of Public Instruction, as elsewhere provided in this Act, the bills audited by the State Board of Examiners for such purposes shall be valid vouchers, for which the Controller shall draw his warrant the same as for the orders of County Treasurers. No mileage or allowance of any kind shall be made to any County Treasurer for receiving said school moneys and transporting them to his county.

COUNTY TREASURER.

SEC. 13. It shall be the duty of the County Treasurer of each county: *First*—To receive and hold all school moneys as a special deposit, and to keep a separate account of their disbursement to the several school districts which shall be entitled to receive them, according to the appro-

tionment of the Superintendent of Public Instruction and the County Superintendent of Common Schools;

Second—To notify the County Superintendent of Common Schools of the amount of State School Fund in the County Treasury subject to apportionment, and whenever required, to inform said Superintendent of the amount of school moneys subject to apportionment;

Third—To pay all warrants drawn on State or county school moneys, in accordance with the provisions of this Act, whenever such warrants are countersigned by the County Auditor and properly indorsed by the holders;

Fourth—To make annually, on or before the first day of August, a financial report for the last preceding school and fiscal year, to the Superintendent of Public Instruction, in such form as may be required by him.

COUNTY SUPERINTENDENT.

SEC. 14. A County Superintendent of Common Schools shall be elected in each county, at the general election in the year eighteen hundred and sixty-seven, and every two years thereafter, who shall take office on the first Monday in March next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county, in a sum to be fixed by the Board of Supervisors of said county.

SEC. 15. The County Superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this Act, as soon as practicable after the State apportionment has been made, and shall make quarterly apportionments thereafter; and he may make apportionments at such other times as may be required by special laws, or deemed necessary for the convenience of school officers. He shall draw his warrant on the County Treasurer in favor of persons entitled to receive the same; *provided*, that no such warrant shall be drawn against the School Fund of any city, town, or district, without an order of the Board of Trustees, or Board of Education, showing for what purpose the money is required; and, *provided*, further, that no such warrant shall be drawn unless there is cash in the Treasury to the credit of said city, town or district.

SEC. 16. The County Superintendent shall have power and it shall be his duty:

First—To visit each school in his county at least once a year;

Second—To distribute promptly all reports, forms, laws, circulars, and instructions which he may receive for the use of school officers from the Department of Instruction or the State Board of Education;

Third—To report to the Superintendent of Public Instruction annually, on or before the twentieth of August, for the school year ending on the last day of June next preceding, such statistics as may be required by him or by the State Board of Education;

Fourth—To preside over County Teachers' Institutes.

Fifth—To enforce the course of study and the use of text books adopted by the State Board of Education;

Sixth—To enforce the rules and regulations required in the examination of teachers;

Seventh—To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction, and a file of the State educational journal adopted in pursuance of law;

Eighth—To keep a record of his official acts, and of the acts of the County Board of Examination ;

Ninth—To carefully preserve all reports of school officers and teachers, and at the close of his official term deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

SEC. 17. If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of one hundred dollars from his salary ; and the Board of Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such returns have not been made.

SEC. 18. The County Superintendent shall have power to administer oaths and affirmations to School Trustees, Marshals, Assessors, Collectors, Teachers, and other persons, in all official matters connected with or relating to schools, but shall not have power to make or collect any charge or fee for so doing.

SEC. 19. The County Superintendent shall have power and it shall be his duty to appoint Trustees for any district which from any cause fails to elect at the regular time ; to appoint Trustees to fill vacancies ; to appoint Trustees for any new district ; *provided*, however, that when a new district is organized, such of the Trustees of the old district as reside within the limits of the new one shall be Trustees of the new one, and the vacancy in the old district shall be filled by appointment.

SEC. 20. The Superintendent shall, whenever he deems it necessary for the health or comfort of pupils, require the Trustees of any school district to repair the school buildings or property, or to abate any nuisance in or about the premises ; *provided*, such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the Treasury to the credit of the district. He shall also in all cases require the Trustees to provide such privies and out-houses as decency requires ; and if the Trustees refuse or neglect to make such provision, he shall cause it to be done, and shall pay for it on his own warrant out of any money to the credit of the district.

SEC. 21. Whenever the number of school districts in any county is ten or more, the County Superintendent shall hold at least one Teachers' Institute in each year ; and every teacher employed in a public school in the county shall attend every such Institute and participate in its proceedings. Each session of a County Institute shall continue not less than three nor more than five days ; and the Superintendent shall, if practicable, secure lecturers and instructors competent to instruct teachers in the theory and practice of teaching. Every Board of Trustees and every Board of Education shall not only allow, but shall require the teachers in its employ to attend every Teachers' Institute held in the county ; and when the Institute is held during the time that teachers may be employed in teaching, their pay shall not be diminished by reason of attendance on said Institute. For the payment of the expenses of the Institute, a sufficient sum, not exceeding one hundred dollars in any one year, shall be paid on the warrant of the Superintendent, out of the unapportioned County School Fund. The Superintendents of two or more counties may unite and hold a joint Institute, in which case the expenses shall be apportioned by the Superintendents

between the counties joining in the Institute. In any county in which there are less than ten school districts, the Superintendent may, if he deem proper, hold an Institute. Any county in which the teachers have a regularly organized County Association or Institute, and hold regular monthly meetings during the year, shall be excepted from the provisions of this section whenever a majority of the teachers of said county shall determine by vote to sustain such monthly associations.

SEC. 22. The County Superintendent shall furnish his office with such works on school architecture as may be prescribed by the State Board of Education, and shall pay for them on his own warrant, out of the unapportioned County School Fund. Such works shall be kept in his office for the use of Trustees and teachers. Except in cities having special Boards of Education, no schoolhouse shall be erected unless the Trustees first submit the plan to the County Superintendent; and in all plans, as far as practicable, regard shall be had to taste, convenience, durability, and economy.

SEC. 23. If at any time when there is sufficient money in the County Treasury to the credit of any school district to keep a school open in said district for a period of five months, and if the Trustees of such district, from any cause whatever, fail, neglect, or refuse to open such school, and keep it open, the County Superintendent shall appoint a teacher, and cause the school to be opened and kept open, and he shall pay therefor by his warrant on the fund to the credit of the district.

SEC. 24. It shall be the duty of the County Superintendent of each county to draw his warrant on the County Treasurer for any bill in favor of any school district, duly signed by the Trustees and authorized by the provisions of this Act, and to draw his warrant in his own favor on the unapportioned county school money for the payment of members of the County Board of Examination; for the expenses of an annual County Institute; for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office, not to exceed one dollar for each district in his county; and for any other incidental expense of his office which may be authorized in this Act.

SEC. 25. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the Board of Supervisors; and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize, and describe them, and make a report of such action to the Supervisors; and on being ratified by the Supervisors, the boundaries and descriptions so made shall be the legal boundaries and descriptions of the districts of that county. For searching and transcribing such records, and equalizing district boundaries, he may be allowed by the Supervisors a sum not exceeding five dollars per day for each day's labor, to be paid out of the County School Fund. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the descriptions of the district boundaries to be printed in pamphlet form, and pay for the same out of the County School Fund.

SEC. 26. Each County Superintendent, except when otherwise provided by statute, shall receive such salary and his reasonable travelling expenses, to be estimated by the Board of Supervisors, and as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund in the same manner as other salaried county officers are paid; *provided*, that such compensation shall not be less than

a sum equal to twenty dollars for each school district in his county, and that he shall be allowed, in addition to his salary, a sum for postage and expressage, payable out of the County School Fund, equal to one dollar for each school district.

OF SCHOOL DISTRICTS.

SEC. 27. Each county, or city, or incorporated town, shall constitute one school district, unless districts are otherwise determined and established by the Board of Supervisors or the proper city authorities.

SEC. 28. For the purpose of organizing a new district, or for a subdivision of or change in the boundaries of an old one, except as provided in section twenty-five, at least ten heads of families must present a petition to the County Superintendent, setting forth the boundaries of the new district asked for, or the change of boundaries desired, with reasons for the same. The County Superintendent shall transmit the petition to the Board of Supervisors, with his approval or disapproval, and such changes in the boundaries as he may deem necessary or advisable. The Supervisors shall establish the district as approved by the County Superintendent; *provided*, that by a unanimous vote of the whole Board they may establish the district in accordance with the original prayer of the petition, or with such modifications as they may choose to make, or may reject it.

SEC. 29. No new district formed by the subdivision of an old one shall be entitled to any share of the public moneys belonging to the old district until a school has been actually commenced in such new district; and unless within four months from the action of the Supervisors a school is opened, then the action making a new district shall be void; and all elections or appointment of Trustees made in consequence of such action, and all rights and offices of the parties so elected or appointed, shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of the new district, and shall be collected and paid into the School Fund of the district.

SEC. 30. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the County Superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of census children resident in each district, for which purpose he may order a census to be taken.

SEC. 31. Whenever a district is formed lying partly in two adjoining counties, the Census Marshal shall report to each County Superintendent the number of children in the district residing in his county. In the same manner the Trustees and teacher shall make a distinct and separate report of all school statistics; and a teacher's certificate granted by the Board of Examination of one county shall be valid for both counties.

SEC. 32. Any two or more adjoining districts may, by concurrent vote, agree to establish a union grammar school for the more advanced children of such districts, under the joint supervision of the Trustees, or a committee of Trustees of such districts; and such school shall be entitled to its pro rata of public moneys belonging to such united districts, apportioned to the average number of scholars attending such school

from each district. Said joint committee of Trustees shall have power to assess rate bills, to appoint teachers, and to manage the general business affairs of the school.

SEC. 33. All school property owned by any district, town, or city, and devoted to school purposes, shall be and the same is hereby exempted from taxation, and from sale on an execution, or other writ or order in the nature of an execution.

SEC. 34. The Board of Trustees of each school district shall have custody of all school property belonging to the district, and shall have power in the name of the district, or in their own names as Trustees of the district, to convey by deed all the interest of their districts in or to any schoolhouse or lot directed to be sold by vote of the district; and all conveyances of real estate made to the district or to the Trustees thereof shall be made to the Board of Trustees of the district, and to their successors in office. Said Board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

OF SCHOOL ELECTIONS AND TRUSTEES.

SEC. 35. An annual school meeting for the election of School Trustees shall be held in each district on the last Saturday in June of each year, at the district schoolhouse, if there be one, and if there be none, at a place to be designated by the Board of Trustees. The Trustees shall post written or printed notices thereof, specifying the day, time, and place of meeting, in at least three public places in the district, one of which shall be the schoolhouse, at least five days previous to the time of meeting. If the Trustees fail to give notice thereof, as required, then any citizen of the district may give it; but no such meeting shall be illegal for want of due notice. All elections shall be held by ballot; and the Trustees shall have power to determine the hours during which the ballot box shall be kept open, having given due notice thereof in the posted notice of election. Every elector legally qualified to vote at any general election, having been a resident of the school district thirty days next previous to the time of such district election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judge of Election shall thereon administer to the person challenged an oath in substance as follows: "You do swear [or affirm] that you are a citizen of the United States; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this State six months next preceding this election, and in this school district thirty days, and that you have not before voted this day." If he shall refuse to take the oath, his vote shall be rejected; and any person guilty of illegally voting shall be punished as provided in the general election law of this State. The Trustees shall appoint the Inspector and Judges of Election; and in case none are so appointed, or if they are not present at the time for opening the polls, then the electors present may appoint the officers of election. A poll and tally list shall be kept, which shall be returned to the Clerk of the Board of Trustees; and with the exceptions mentioned in this section, the election shall be conducted, as far as practicable, in the form and manner of the general election. Any one of the old Trustees shall have power to administer to any Trustee elect the oath of office; and the Clerk of the Election shall issue his certificate of election

to any Trustee elect, who shall forward it, with the oath attached or indorsed thereon, to the County Superintendent of Public Schools.

SEC. 36. In all organized districts in which elections have been previously held, one Trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number to fill them for the unexpired terms; and the ballots shall specify the respective terms for which each Trustee is to be elected. In new districts, acting under Trustees appointed by the County Superintendent, three Trustees shall be elected, for one, two, and three years respectively. Trustees elect shall take office on the first Saturday in July next after their election, and shall hold office until their successors are elected and qualified, or appointed by the County Superintendent and qualified. The term of office of any Trustee whose term would otherwise expire in September of any year, shall expire on the first Saturday in July of the same year. Any Trustee elect who shall fail to qualify within ten days after the term of office commences shall forfeit all right to the office, and the County Superintendent shall appoint to fill the vacancy.

SEC. 37. Whenever any new district is formed by ordinance of the Board of Supervisors, within thirty days thereafter a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in the manner and form provided in this Act for the annual school meeting for the election of Trustees. Such new district shall be considered organized whenever any two of the Trustees elected shall have qualified, and the record of the District Clerk shall be prima facie evidence of the legal organization of the district. The name of the new district, unless a name shall have been given by act of the Supervisors, may be determined by a majority of voters present at the first election of Trustees; but if at such meeting no name was given, then the Trustees at their first meeting shall name the district, and the Clerk shall record it in his record book.

SEC. 38. No district school meeting, annual or special, shall be organized before nine o'clock A. M., or closed before twelve o'clock M., or kept open less than one hour; and in all districts in which the number of children between five and fifteen years of age equals or exceeds three hundred, the polls shall be kept open from eight o'clock A. M. until sunset.

SEC. 39. Each Board of Trustees shall, within ten days after the annual election, meet at the schoolhouse, or if that be impracticable, at some other convenient place designated by the District Clerk, and proceed to elect one of their number Clerk of the Board, who shall be known and referred to as "District Clerk," and it shall be his duty to record all proceedings of the Board in a suitable record book, to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting the District Clerk shall present his record book for public inspection, and if required, shall make a statement of the financial condition of the district and of the action of the Trustees.

SEC. 40. At the annual election for School Trustees, the people of the district may vote a tax, not to exceed half a mill on the dollar of the taxable property of the district, for the purpose of paying any debt of the district, or for a school library, or for furniture and apparatus, or for all or any of these together; and the tax so voted shall be levied and collected as is elsewhere provided in this Act for levying and collecting district taxes voted at special school elections.

SEC. 41. Every legally organized school district shall be known by the name and style of "—— District, [using the name of the district.] of —— County," [using the name of the county in which such district is situated;] and in that name the Trustees shall be capable of suing and being sued in all Courts and places whatever, and of holding and conveying real estate for the use and benefit of such district, and such personal property as may be proper. If any school district has not heretofore been named as herein required, but has been designated only by number, the Trustees shall give it a name, and the District Clerk shall record it in the record book, and notify the County Superintendent of such action. In counties having several districts designated by different numbers of the same name, District Number One shall retain the name, and the others shall be given a different name each; and in case two districts in any county have the same name, the County Superintendent shall have power to change the name of either or both; and a number shall no longer be used as a part of the designation of any school district.

SEC. 42. Every Board of Trustees and any Board of Education in any city, city and county, or town, unless otherwise expressly provided by law, shall have power and it shall be their duty:

First—To employ and dismiss teachers, janitors, School Census Marshals, mechanics, and laborers, and to fix, alter, allow, and order paid their salaries and compensations;

Second—To make and enforce rules and regulations, not in conflict with the general regulations of the State Board of Education for the government of schools, pupils, and teachers, and to enforce the regulations and course of study adopted in pursuance of State law;

Third—To provide and pay for out of the school moneys, school furniture and apparatus, and such other articles, materials, or supplies as may be necessary for school use, or for the use of the School Board;

Fourth—To suspend or expel pupils from school, and in cities or large towns, to exclude from school children under six years of age, when the interests of the school require such exclusion;

Fifth—To rent, furnish, repair, and insure schoolhouses;

Sixth—To build schoolhouses, and purchase or sell school lots, when the Trustees may be directed by a vote of the district, and when the Board of Education may be directed by a vote of the Board of Supervisors of the county, or city and county;

Seventh—To purchase personal property, and to receive, lease, and hold in fee, in trust for their district, town, or city, any and all real or personal property, for the benefit of the schools thereof;

Eighth—To provide books for indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them;

Ninth—To require all pupils to be furnished with suitable books, as a condition of membership in the school;

Tenth—To provide library and cabinet cases;

Eleventh—To exclude from school and from school libraries all books, tracts, papers, or catechisms of a sectarian character;

Twelfth—To require the State series of text books adopted in pursuance of State law to be used exclusively in their schools;

Thirteenth—To require every teacher to keep a State school register;

Fourteenth—To enforce in school the course of study adopted and prescribed by the State Board of Education;

Fifteenth—To require teachers to attend County or City Institutes,

and to make such annual reports as may be required by the Superintendent of Public Instruction;

Sixteenth—To make an annual report, on or before the twentieth day of July, to the County Superintendent, in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction;

Seventeenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text books used in their schools;

Eighteenth—To keep a registry in a book or books to be provided for that purpose, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order in which they may be registered. Such register shall at all times be open to the inspection of the public.

SEC. 43. The Board of Education of each city, or city and county, and the Board of Trustees of each district, shall appoint a School Census Marshal on or before the first day of June of each year, and notify the County or City Superintendent of such appointment in writing. It shall be the duty of the School Census Marshal to take, annually, in the month of June, an exact census of all children under fifteen years of age. He shall take specifically and separately a census of all white children, negro children, and Indian children who live under the guardianship of white persons, between five and fifteen years of age, and shall specify the number and sex of such children, and the names of their parents or guardians. All children who may be absent from home, attending colleges, college schools, boarding schools, and private seminaries of learning, shall be included by the Marshal in the census list of the city, town, or district in which their parents or guardians reside, and shall not be taken by the Census Marshal of the city, town, or district where they may be attending such private institutions of learning. The Census Marshal shall further report, separately, the number of white, negro, and Indian children under five years of age, and the whole number of Mongolian children under fifteen years of age, and also such other statistics as may be required by the Superintendent of Public Instruction or by City Boards of Education. He shall make a full report thereof on the blanks furnished for that purpose, under oath, to the County Superintendent or the City Board of Education, on or before the first day of July next after his appointment, and deliver a copy, if required, to the School Trustees. The Census Marshal shall be paid by the Board of Trustees from the county school money to the credit of the district, in the same manner as other contingent expenses are paid; and Boards of Education in incorporated cities shall audit his bills in the same manner as bills for contingent expenses are audited and paid, unless otherwise provided by law.

SEC. 44. Boards of Trustees and Boards of Education shall have power, and it shall be their duty to grade their schools, and to organize them into primary, grammar, and high school departments; *provided*, there be means sufficient to maintain all three departments, and to accommodate all children applying for admission into the primary schools; and if not, then the several departments shall be maintained in the order herein named, the primary schools having preference.

SEC. 45. It shall be the duty of all Boards of Trustees and Boards of Education to maintain all the schools established by them in any district or city for an equal length of time during the year, and, as far as practicable, with equal rights and privileges; *provided*, in all cases the primary schools shall first be provided for, and shall have the preference.

SEC. 46. The District Clerk of each district shall provide all school supplies authorized by this Act, and shall keep the schoolhouse in repair during the time school is taught therein; and he shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the Board, and paid out of the county school moneys of that district.

SEC. 47. The District Clerk may act as Census Marshal, and as either Assessor or Collector, or as both, of district taxes, in either of which cases he shall be paid the same compensation which would have been allowed by the Board to any other person; and the provision by which no Trustee is allowed to receive compensation for his official services shall not apply.

SEC. 48. The District Clerk is hereby required, from time to time, to purchase and furnish to the school, free of charge, such supplies of pens, penholders, pencils, crayons for blackboards, ink, and stationery for the use of pupils as must be used in carrying out the course of study prescribed therein; and the County Superintendent, upon the presentation of proper vouchers, and being satisfied that such supplies were proper, needed, and used in school, shall draw his warrant in favor of the District Clerk for the amount so expended. And in incorporated cities, every Board of Education shall cause to be furnished to the pupils, free of charge, the supplies in this section named, and shall pay for them in the manner provided for the payment of other school expenses.

SEC. 49. The Board of Trustees of any district and Board of Education shall use the school moneys received from State or county apportionment during any school year exclusively for the support of schools for that school year; *provided*, that if at the end of any school year there be any unexpended balance, it may be used for the payment of any claims against the district outstanding, or it may be used for the year succeeding.

SEC. 50. Any Board of Trustees may use the county school moneys for any of the purposes authorized by this Act; but all State school moneys, except in those cities where it has otherwise been expressly provided by special law, shall be used exclusively for the payment of teachers, excepting the ten per cent. reserved for district school library purposes.

SEC. 51. Any Board of Trustees shall be liable, as Trustees, in the name of the district, for any judgment against the district for any salary due any teacher on contract, and for all debts legally contracted under the provisions of this Act; and they shall pay such judgment or liabilities out of the school moneys to the credit of such district.

SEC. 52. Any Board of Trustees shall have power:

First—To unite two contiguous districts in the same county, or in adjoining counties, and to establish a union school, to be supported out of the funds belonging to their respective districts; and a school thus established shall be governed by a joint Board composed of the Trustees of the combining districts;

Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.

OF SCHOOLS

SEC. 53. Every school, unless otherwise provided by special law, shall be open for the admission of all white children between five and twenty-one years of age residing in that school district; and the Board of Trustees or Board of Education shall have power to admit adults and children not residing in the district whenever good reasons exist for such exceptions.

SEC. 54. All schools, unless otherwise provided by special law, shall be divided into three grades, viz: first, second, and third. Each County Superintendent shall determine the respective grade or class of the schools of his county, under instructions from the State Board of Education. No person shall be eligible to teach a county school of the first grade, unless the holder of a certificate equal in grade to a first grade county certificate; and no person holding merely a third grade county certificate shall be eligible to teach any school, except one of the third grade.

SEC. 55. All schools shall be taught in the English language, and instructions shall be given in the following branches in the several grades in which each may be required in the course of study adopted in pursuance of the law, viz: reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology, and bookkeeping, and such other studies as may be deemed necessary, may be authorized by the State Board of Education, or Boards of Education of any city, or city and county; *provided*, that no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all these branches. Instruction shall be given in all grades of schools, and in all classes, during the entire school course, in manners and morals, and the laws of health; and due attention shall be given to such physical exercises for the pupils as may be conducive to health and vigor of body, as well as mind; and to the ventilation and temperature of school rooms.

SEC. 56. Any Board of Trustees, or Board of Education, by a majority vote, may admit into any public school half-breed Indian children, and Indian children who live in white families or under guardianship of white persons.

SEC. 57. Children of African or Mongolian descent, and Indian children not living under the care of white persons, shall not be admitted into public schools, except as provided in this Act; *provided*, that upon the written application of the parents or guardians of at least ten such children to any Board of Trustees or Board of Education, a separate school shall be established for the education of such children; and the education of a less number may be provided for by the Trustees in any other manner.

SEC. 58. When there shall be in any district any number of children, other than white children, whose education can be provided for in no other way, the Trustees, by a majority vote, may permit such children to attend school for white children; *provided*, that a majority of the parents of the children attending such school make no objection, in writing, to be filed with the Board of Trustees.

SEC. 59. The same laws, rules, and regulations which apply to schools for white children shall apply to schools for colored children.

SEC. 60. No books, tracts, papers, catechisms, or other publications of

a sectarian or denominational character, shall be used or distributed in any school, or shall be made a part of any school library; neither shall any sectarian or denominational doctrine be taught therein; and any school district, town or city, the officers of which shall knowingly allow any schools to be taught in violation of these provisions, shall forfeit all right to any State or county apportionment of school moneys; and upon satisfactory evidence of such violation, the State Superintendent and County Superintendent shall withhold both State and county apportionments.

SEC. 61. For the purpose of protecting the health of young children, it is hereby provided that no school in which the average age of the pupils does not exceed eight years shall be continued in session more than four hours a day, exclusive of intermission; and no school whatever shall be continued in session more than six hours a day, exclusive of an intermission at noon; and no pupil under eight years of age shall be kept in school more than four hours per day; and any violation of the provisions of this section shall be treated in the same manner as a violation of section sixty.

OF PUPILS.

SEC. 62. Pupils shall be admitted into the schools in the order in which they apply to be registered; and all pupils who may be admitted into public schools shall comply with the regulations established in pursuance of law for the government of such schools, shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience, and open defiance of the authority of the teacher, shall constitute good cause for expulsion from school; and habitual profanity and vulgarity, good cause for suspension from school. Any pupil who shall in any way cut, deface, or otherwise injure any schoolhouse, fences, or outbuildings thereof, shall be liable to suspension and punishment; and the parents of such pupil shall be liable for damages, on complaint of the teacher or Trustees.

OF TEACHERS.

SEC. 63. Every teacher employed in any public school shall make an annual report to the County Superintendent, on or before the tenth day of July next after the close of each school year, in the form and manner and on the blanks prescribed by the Superintendent of Public Instruction. A duplicate of such report, when required by the Trustees, shall be furnished to the District Clerk. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the close of the school year, shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous reports for a part of the year. Teachers shall make such additional reports as may be required in pursuance of law by the State or by City Boards of Education. No County Superintendent, or City Superintendent, or Board of Education, or Board of Trustees, shall draw any order or warrant for the salary of any teacher for the last month of his or her services, until the reports herein required shall have been made and received.

SEC. 64. Every teacher shall keep a State school register, in the manner provided therefor; and no County Superintendent shall draw any

warrant for the salary of any teacher for the last month of his or her services in school at the end of any term or year until he shall have received a certificate from the District Clerk that the said register has been properly kept, the summaries made, and the statistics entered; or until, by personal examination, he shall have satisfied himself that it has been done. Teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requisitions, then the County Superintendent shall be authorized to withhold any warrant for salary due until such teacher shall comply therewith.

SEC. 65. No teacher shall be entitled to draw for salary any school moneys, unless such teacher shall be employed by a majority of the Trustees; nor unless the holder of a legal State, city, or county teachers' certificate, in full force and effect.

SEC. 66. In every contract, whether written or verbal, between any teacher and any Board of Trustees, except in incorporated cities, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each; and no teacher shall be required to teach school on Saturday, the Fourth Day of July, the First Day of January, Christmas Day, the days of the general election and special judicial election, and such days of fasting or thanksgiving as may be appointed by the President of the United States, or the Governor of this State; and no deduction from the teachers' time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. Any contract made in violation of the provisions of this section shall have no force or effect as against the teacher.

SEC. 67. Every teacher shall have power to hold every pupil to a strict accountability, in school, for any disorderly conduct on the way to or from school, or on the playgrounds of the school, or during intermission or recess, to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the Trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final, whether for or against expulsion.

SEC. 68. In all cases of the revocation of a certificate, the teacher shall have the right of appeal from any City or County Board of Examination to the State Board of Examination; and upon the revocation of a State diploma or certificate, to the State Board of Education.

SEC. 69. In case of the dismissal of any teacher before the expiration of any written contract entered into between such teacher and Trustee, for alleged unfitness, or incompetence, or violation of rules, the teacher shall have the right of appeal to the County Superintendent, and if such County Superintendent shall decide that the removal was made without good cause, the teacher so removed shall be reinstated in school, and shall continue during the time of contract. Any teacher whose salary is withheld in pursuance of the provisions of this Act, shall have the right of appeal to the Superintendent of Public Instruction, whose decision shall be final.

SEC. 70. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity, and falsehood; and to instruct them in the principles of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

STATE NORMAL SCHOOL.

SEC. 71. The members of the State Board of Education, except the Principal of the State Normal School, are hereby constituted ex officio the Board of Trustees of the State Normal School.

SEC. 72. The Board of Trustees of the State Normal School shall have power to establish and continue a State Normal School in the City of San Francisco, for the purpose of furnishing free instruction to such persons residing in this State as may desire to prepare themselves for the profession of teaching, and to teach in the public schools thereof. Said Board shall have full powers to prescribe a course of study for such normal school, and the text books to be used therein; to examine, employ, and fix the salaries of teachers therein; to hold stated examinations of the pupils attending such normal school, and to award diplomas as hereinafter provided; to arrange and effect all the details necessary to conduct such normal school; and to make all the regulations and by-laws necessary for the good government and management of the same. Males over seventeen years of age, and females over fifteen years of age, may be admitted as pupils of said school; *provided*, that every applicant shall undergo an examination in such manner as may be prescribed by the Board; such person having first filed a certificate with the Principal of intention to engage in the occupation of teaching in the public schools of this State. The seats in said school shall be apportioned among the applicants therefor from the different counties of this State, as near as may be in proportion to the representation of such counties in the State Legislature.

SEC. 73. The Board of Normal School Trustees shall have power to determine the course of study, and the time and standard of graduation, and to issue diplomas; and such diplomas shall entitle the holders to receive a State certificate or diploma, the grade of which shall be determined by the State Board of Examination. Said Board shall have power to organize and maintain a training school, in which the advanced pupils of the normal school shall be required to teach classes of pupils under the supervision and direction of experienced teachers, capable of giving instruction in the best methods of conducting primary schools.

SEC. 74. The Superintendent of Public Instruction shall be the executive agent and Secretary of the Board of Trustees of the Normal School. He shall visit the school from time to time, inquire into its condition and management, enforce the rules and regulations of the Board, require monthly reports of the teachers, prescribing the form thereof, and exercise a general supervision over the school, and shall make in his biennial report a statement of receipts and expenditures, and of the management of the school.

SEC. 75. It shall be the duty of the Principal of the Normal School to make a detailed annual report to the Board of Trustees, with a catalogue of pupils, and such other statistics as the Board may require or as he may think useful; and such report may be ordered printed under the provisions of this Act; and if printed, it shall be the duty of the Principal to furnish a copy thereof to each normal school in the United States. It shall be the duty of the Principal, authorized by the Board, to attend County Institutes, and lecture before them on subjects relating to public schools and the profession of teaching. All teachers of the normal schools shall be under the general laws of this State applying to public school teachers.

SEC. 76. The Board of Normal School Trustees shall hold at least two

meetings each year, the time and place to be determined by the Board; but special meetings may be called by the Secretary of the Board, upon written notice to each member. The Governor shall be ex officio Chairman, and five members shall constitute a quorum; *provided*, that a majority of all the members of the Board shall be necessary for the election of teachers or fixing their salaries. The monthly salaries of teachers and bills for incidental expenses may be audited by an Executive Committee of three, appointed by the Board. No member of said Board shall be entitled to any compensation for official services. The record book of the Board shall be kept in the office of the Superintendent of Public Instruction.

SEC. 77. The sum of sixteen thousand dollars is hereby appropriated biennially out of any moneys in the General Fund not otherwise appropriated, which said appropriation shall be set apart at the commencement of each fiscal year to support the State Normal School; and the Controller is hereby directed to draw his warrants from time to time on the State Treasurer, payable out of said appropriation, and the unexhausted remainder, if any, of any prior appropriation, for such claims or accounts as have been audited by the Board of Trustees of the State Normal School, or the Executive Committee thereof, and the Board of Examiners; *provided*, the aggregate of warrants so drawn shall not exceed in any one fiscal year one half the appropriation herein made for such years, together with the remainder of unused appropriations, if any, of any previous fiscal year or years; and whenever at the expiration of any fiscal year a balance remains to the credit of the State Normal School Fund, such balance shall be carried forward and be added to the appropriation for the succeeding year.

OF SCHOOL DISTRICT LIBRARIES.

SEC. 78. Every County Superintendent and every County Treasurer shall set apart ten per cent. of each annual apportionment of State School Fund for each district as a "District School Library Fund" for that district; and said fund shall be used for no other purpose; *provided*, that when ten per cent. exceeds fifty dollars, only fifty dollars shall be so set apart; and further, *provided*, that when ten per cent. is less than ten dollars, and no library has been previously formed, the money shall remain in the Treasury until subsequent apportionments or donations shall equal that sum. The Board of Trustees of each district shall procure a suitable library case, and shall expend the entire ten per cent. set apart as a Library Fund, together with such sums as may be added thereto by subscription or donation, in the purchase of such books for the library as may be authorized by the State Board of Education. If the Trustees neglect or refuse to purchase such books, then it shall be the duty of the County Superintendent to expend the Library Fund to the credit of such district, and pay for the books on his own warrant.

SEC. 79. The Trustees shall have the same control over the library as over other school property, and shall appoint the teacher, or the District Clerk, or some other suitable person, to act as Librarian; and whenever practicable and safe, the library shall be kept in the schoolhouse of such district.

SEC. 80. It shall be the duty of the State Board of Education to prepare a list of books suitable for school libraries, in which no works of a sectarian character shall be included, and which may be from time to time amended, revised, and enlarged, and to prepare uniform rules and regu-

ations for the government of district libraries, and to prescribe penalties, fines, and conditions of membership.

SEC. 81. The Trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership, and to make all needful rules and regulations not provided for by the State Board of Education, and not inconsistent therewith; and they shall report annually to the County Superintendent all library statistics which may be required by the blanks furnished for that purpose by the Superintendent of Public Instruction.

SEC. 82. Trustees may receive donations of books, maps, or charts from any person; *provided*, no books of a sectarian character shall be placed in the library, and that any such books found therein shall be removed by order of the County Superintendent. The library shall be free to all pupils of a suitable age belonging to the school; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for life membership, or such annual or monthly fees as may be prescribed by the Trustees.

SEC. 83. In cities not divided into school districts, or in any incorporated towns or cities, or county and city, the provisions of the preceding sections relating to the setting apart of ten per cent. of the State School Fund as a Library Fund shall not apply; but the sum of fifty dollars—not to exceed ten per cent. of the State apportionment—shall be set apart as a Library Fund by the Board of Education for every five hundred children between the ages of five and fifteen years within the limits of such city, and expended as provided in other cases for the formation of school libraries.

OF AN EDUCATIONAL JOURNAL.

SEC. 84. It shall be the duty of the Superintendent of Public Instruction to annually subscribe for a sufficient number of copies of some monthly journal of education, to supply each County Superintendent, City Superintendent, District Clerk, and each district school library, with one copy thereof. Said journal shall be designated by the State Board of Education, and shall be a journal devoted exclusively to educational purposes, and published monthly, in California. The Superintendent of Public Instruction shall be one of its editors, and it shall contain, as a condition of such subscriptions by the State, a department of public instruction, in which shall be published the decisions, circulars, instructions, and apportionments of school funds made by the Superintendent of Public Instruction and the State Board of Education, together with a monthly report of the State Normal School. The subscription price paid for each annual subscription of twelve monthly copies shall not exceed one dollar and fifty cents; and the State Board of Education shall have power to reduce the rate whenever said journal can be creditably sustained at a lower rate. At the beginning of each school year the Superintendent of Public Instruction shall draw his order on the State Controller for an amount sufficient to pay for such subscriptions in favor of such journal, which order shall be certified by the State Board of Education, and allowed by the State Board of Examiners, whereupon it shall be the duty of the State Controller to draw a warrant on the State Treasurer, payable out of any unapportioned school moneys in the Treasury.

SEC. 85. The Superintendent of Public Instruction shall annually convene and preside over a State Teachers' Institute, which shall continue in session not less than three nor more than five days. The sum of five

hundred dollars is hereby appropriated biennially out of any unappropriated moneys in the General Fund, for the purpose of defraying the necessary expenses of such annual institutes.

STATE BOARD OF EXAMINATION.

SEC. 86. There shall be a State Board of Examination, consisting of the Superintendent of Public Instruction, who shall be ex-officio Chairman, and four professional teachers, who shall be appointed by the Superintendent of Public Instruction; *provided*, that no person shall be eligible to such appointment unless he holds a State educational diploma. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold at least two sessions in each year. It shall have power to grant certificates of the following grades, to wit: State educational diplomas, valid for six years; State certificates, first grade, valid for four years; second grade, valid for two years; third grade, valid for one year.

SEC. 87. Every applicant for a State diploma, or for a State certificate of the first or second grade, shall be critically examined, by written or printed questions, and by additional oral examination, in algebra, arithmetic, English grammar, English composition, geography, history of the United States, school law of California, physiology, natural philosophy, orthography, defining, penmanship, Constitution and Government of the United States, reading and elocution, and theory and practice of teaching. Extra credits may be given for ability to teach drawing, vocal or instrumental music, and school calisthenics. For success and experience in teaching, extra credits may be allowed, as the State Board of Education may determine. Certificates shall be issued to such persons only as, in addition to passing examination in the studies herein specified, shall have given evidence of good moral character and fitness for the profession of teaching. State educational diplomas shall be issued to such persons only as shall have been employed in the occupation of teaching at least three years; and the holders of said diplomas shall be eligible to teach in any public school in the State, except high schools in which the ancient and modern languages are required to be taught by such teachers. State certificates of the first grade shall entitle the holders to teach in county schools of the first grade, and in all grammar schools. State certificates of the second grade shall entitle the holders to teach in second grade schools, and as assistants in grammar schools. State certificates of the third grade shall entitle the holders to teach in any primary school. The standing in each study of each successful applicant shall be indorsed upon the back of his or her diploma or certificate, together with his or her total percentage and relative standing in the class. The State Board of Examination shall have power to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any diploma or certificate granted by it, and to renew all State certificates at the expiration of the time for which they were granted.

SEC. 88. All regularly issued State Normal School diplomas from any State Normal School in the United States, and all life diplomas granted by the State Board of Examination in any of the United States, shall be recognized by the State Board of Examination of this State as prima facie evidence of fitness for the profession of teaching; and the said Board shall, on application of the holders thereof, proceed to issue, without examination, State certificates, the grade to be fixed at the option of

the Board; *provided*, in all cases satisfactory evidence be given of good moral character and correct habits. All applicants for State diplomas or certificates shall pay an examination fee of two dollars, which shall be appropriated to the support of the State educational journal.

SEC. 89. In order to elevate the profession of teaching and advance the interests of public schools, the State Board of Education shall grant teachers life diplomas, which shall remain valid during the life of the holder, unless revoked by the said Board for immoral or unprofessional conduct, or want of qualifications to teach. Said diploma shall be granted to such persons only as shall have taught one year successfully after receiving a State educational diploma from the State Board of Examination, or who shall have held for one year after receiving a State diploma the office of State, City, or County Superintendent. Applicants for life diplomas shall file with the State Board of Examination certificates of their success in teaching; and said Board, after due consideration and examination, shall present the applicant to the State Board of Education with a recommendation either for or against its being granted. The State Board of Education may recognize the life diplomas of other States of the United States, and issue to the holders thereof life diplomas of this State. Each applicant for a State life diploma shall pay the sum of five dollars to defray the expense of filling out and issuing the diploma.

COUNTY BOARDS OF EXAMINATION.

SEC. 90. There shall be in each county a County Board of Examination, which shall be composed of the County Superintendent, who shall be ex officio Chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the first of July next succeeding their respective appointments; but no person shall be appointed unless he holds either a State diploma, or a first grade State or county certificate. The Superintendent shall fill vacancies that occur from absence or other cause; and if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold a session at least as often as once in every three months, and during any Teachers' Institute held in the county. The Superintendent of Public Instruction shall, ex officio, be a member of all County Boards of Examination. The members of said Board shall each be paid for their services a sum not exceeding three dollars, in addition to actual travelling expenses, for each session of said Board, to be paid out of the unapportioned County School Fund, on the warrant of the County Superintendent; *provided*, that this compensation shall be paid only at the regular quarterly examinations, and that whenever said Board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations said Board may charge an examination fee not exceeding two dollars for each applicant.

SEC. 91. The County Board of Examination shall have power to grant certificates of three grades, to wit: county certificates, first grade, valid for three years, and authorizing the holder to teach a grammar school or a school of the first grade in the county; county certificates, second grade, valid for two years, and authorizing the holder to teach a second grade school in the county; county certificates of the third grade, valid for one year, and authorizing the holder to teach a third grade school in the county. Third grade certificates shall be granted to female

teachers only. Certificates shall be issued to such persons only as shall have given evidence of good moral character, of fitness for teaching, and of ability to impart their knowledge.

SEC. 92. Certificates of the first grade shall be issued to those only who have passed a satisfactory examination in orthography, defining, reading, penmanship, physiology, natural philosophy, English composition, arithmetic, algebra, geography, grammar, history of the United States, the school law of California, and theory and practice of teaching. Certificates of second grade shall be issued to those only who have passed a satisfactory examination in all of the above subjects, except natural philosophy and algebra. Extra credits may be given in all grades for ability to teach drawing, vocal or instrumental music, calisthenics, and other branches, as may be determined by the State Board of Education. All examinations in written arithmetic, algebra, orthography, defining, grammar, history of the United States, and Constitution and Government of the United States, shall be conducted in writing, and at least ten questions shall be submitted in each separate study. The standing of each applicant in each study shall be indorsed on the back of each certificate, together with the total percentage and relative standing in the class. The County Board shall have power, without examination, to renew certificates, and to revoke, for immoral and unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any county certificate.

CITY BOARD OF EXAMINATION.

SEC. 93. In every city having a Board of Education governed by special laws, there shall be a City Board of Examination for determining the qualifications of teachers, which shall consist of the City Superintendent of Public Schools and the President of the Board of Education of that city, the County Superintendent of the county in which such city is situated, and of three public school teachers, residents of such city, who shall be elected by the City Board of Education for the term of one year. Any teacher to be eligible to such election shall be the holder of a State diploma, or of a grammar school city certificate. The teachers elected to such Board shall be allowed such compensation for their services as may be granted by the Board of Education. The Superintendent of Public Instruction shall be, ex officio, a member of every City Board of Examination. Said Board shall conduct all examinations in conformity with the general rules and regulations of the State Board of Education, and shall have power to grant certificates of the same grade and for the same time as the State Board of Examination; *provided*, they shall be valid only in the city in which they are granted. Said Board shall also have power to grant such certificates of a grade lower than grammar school certificates as may be deemed necessary, and to grant certificates for teaching high schools. Said Board shall have power to renew, without examination, all city certificates. No City Board of Education or of Examination shall have power to require or hold an examination of any teacher holding a State diploma or certificate, except in cases where such teacher is an applicant for a school of higher grade than the certificate then held allows such teacher to teach. Any City Board of Examination may recognize the certificates of any other city, and without examination issue to the holder certificates of a

corresponding grade. No person shall be a legally qualified teacher in any city, unless he or she holds a State or city certificate, granted by a State or City Board of Examination.

SEC. 94. The State Board of Education shall prescribe a standard of proficiency before a County Board, which shall entitle the holder of the certificate to a certificate from the State Board of Examination; and whenever such standard is reached, the County Superintendent shall certify the facts, together with certificates of the party's character, to the State Board of Examination, and that body may grant or refuse a State certificate and fix its grade. Every person holding a diploma of graduation from any State Normal School in the United States, shall be entitled to a county certificate of the first or second grade, at the option of said Board; and upon proof of good character, such certificate shall be granted without further examination. Every County Superintendent and each City Superintendent of Public Schools shall annually report, at the time of making his other report to the Superintendent of Public Instruction, the number of certificates granted by the Board of Examination of his county or city, as the case may be, the names of persons to whom granted, and date of each certificate, the number of all applicants rejected, and the number of certificates revoked, the cause of their revocation, and the names of the holders. The County Superintendent shall also report to the State Superintendent the amount of money received from examination fees, and the manner in which it was expended. The County Superintendent may recognize county certificates of the first grade granted by Boards of Examination in other counties, and may issue temporary certificates for teaching to the holders, on application, which shall be valid until the next regular examination of the County Board of his county.

SEC. 95. The State Board of Education shall prescribe and adopt a uniform series of text books, which shall be used in all public schools, as well in incorporated cities having Boards of Education as in the State at large; *provided*, that said State Board may, when making a change in any of the series, prescribe a future date for it to take effect, which shall not be less than six months thereafter, and may adopt special books when necessary for the use of graded schools in cities, and shall allow books different from the State series now in use in such cities to be continued until a change may be deemed advisable by the Boards of Education of such cities. Any books once adopted in the State series shall be continued in use for a period not less than four years. If any city, town, or district refuse or neglect to use the books that may be prescribed, or shall use any other text books in any of the prescribed studies, the Superintendent of Public Instruction shall withhold from such city, town, or district, twenty-five per cent. of all State school moneys to which it may be entitled until it comply; and any moneys so withheld shall be apportioned by the Superintendent, at the next annual apportionment, in the same manner as other school moneys in the treasury.

OF SCHOOL REVENUE.

SEC. 96. An annual ad valorem tax of eight cents on each one hundred dollars value of all taxable property throughout the State is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be called and known as the State School Tax, and the Boards of Supervisors of the several counties shall annually, at the same time other State taxes are

levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same manner as other State taxes are collected; and if from any reason whatever, in any year, said taxes shall not be levied as herein required by the Board of Supervisors, the Auditor shall enter them on the assessment roll as required by law for other taxes. All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned as other moneys in that fund. No Tax Collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping, or disbursing any school moneys; but the whole moneys collected shall be paid to the County Treasurer, and by him paid to the State Treasurer at the same time other moneys are paid over.

SEC. 97. The Board of Supervisors, except in the City and County of San Francisco, of each county, shall annually, at the time of levying other county taxes, levy a school tax, the maximum rate of which shall not exceed thirty-five cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise a sum equal to three dollars for each child in the county between five and fifteen years of age. Said Supervisors shall determine the minimum rate of school tax as follows. They shall:

First—Ascertain from the County Superintendent the number of census children entitled to school apportionment, as shown by the then next preceding school census, and then shall calculate the amount required to be raised at three dollars per child;

Second—They shall deduct fifteen per cent. from the equalized value of the last general assessment roll, and the amount required to be raised divided by the remainder of the assessment roll shall be the rate levied; *provided*, that if any fraction of a cent occur, it shall be taken as a full cent on each hundred dollars; and, *provided*, further, that Boards of Supervisors, in estimating said rate of school tax for the year eighteen hundred and sixty-six, shall use the number of census children between the ages of four and eighteen years, according to the returns of the last school census in eighteen hundred and sixty-five. If the Supervisors fail to levy said tax as herein provided, then the Auditor shall levy it and add the tax to the assessment roll. In case the Supervisors or Auditor shall refuse or neglect to levy at least the minimum rate of tax herein provided, the Superintendent of Public Instruction shall deduct twenty-five per cent. from the next succeeding annual apportionment of State School Fund otherwise due to that county, and shall withhold it and apportion it to the other counties of the State; and, *provided*, further, that if this Act does not become a law until after the taxes are levied for eighteen hundred and sixty-six, and the amount levied for that year does not amount to a rate that will produce a sum equal to the requirements of this section, then the Auditor shall add to the levy such additional per cent. as will produce said amount; *provided*, the original levy and the addition thereto do not in the aggregate exceed thirty-five cents on the one hundred dollars.

OF DISTRICT TAXES.

SEC. 98. The Board of Trustees of any district may, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to maintain any school or schools in such district, or for building one or more schoolhouses, or

for any two or all of these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days; and also, if there is a newspaper in the county, by advertisement therein once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three Judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the general election law. At such elections the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor, and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district, and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees upon receiving the roll shall deduct fifteen per cent. therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll ascertain the rate per cent. required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) shall be and it is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and the said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes. The maximum rate of tax levied by a district tax in any one year, for building purposes, shall not exceed thirty-five cents on each hundred dollars, and the maximum rate levied for school purposes by such tax shall not exceed fifteen cents on each hundred dollars in any one year. Each District Tax Collector shall give a bond to the people of the State of California, joint and several in form, with similar sureties as are required on other official bonds. Such bonds shall be in such penal sum as the Trustees may direct; *provided*, it be not less than double the amount to be collected, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give five days' notice thereof by posting a notice in three public places in the district, and shall sit for at least three days as a Board of Equalization at such time and place as shall have been named in said posted notices; and they shall have the same power as County Boards of Equalization to make any changes in said assessment roll.

SEC. 99. As soon as the rate of taxation has been determined, as provided in the last preceding section, the Trustees shall place the tax list in the hands of the Collector, who shall then proceed to collect the tax, and shall, within sixty days, return the roll to the Trustees, with the word "paid" marked opposite the name of each person or description of property from whom or on which he has received the tax; and he shall also at the same time file with the Trustees the County Treasurer's receipt for all the moneys by him collected; and the persons and property on the roll not by the Collector marked "paid," shall be deemed delinquent, and the Trustees shall deposit said roll with the District

Attorney, who shall proceed to collect the delinquent taxes in the manner prescribed by law for other delinquent tax; and said roll, or any certified copy thereof, shall have the same force as evidence as a duplicate or delinquent tax roll of State and county taxes.

SEC. 100. In case any Assessor or Collector of district taxes shall refuse or neglect to qualify within ten days of his election or appointment, or having qualified, shall refuse or neglect to act, or in case of any vacancy from any other cause in either or both of said offices, the Board of Trustees shall appoint some proper person or persons to fill the place or places.

OF RATE BILLS.

SEC. 101. After a school shall have been maintained five months free to all pupils, in districts having more than one hundred pupils, and taxable property assessed at over two hundred thousand dollars, and not otherwise, the Trustees of any district shall have power, and it shall be their duty to assess such rate bills of tuition as they may deem necessary for the payment of teachers' salaries, in addition to the public moneys of such district. Said rate bills of tuition shall be made out by said Trustees against all persons sending children to school, in proportion to the number of children sent to school, and the time of attendance of such children, to be determined by the teacher's register; and the Trustees shall exempt such indigent persons from the payment of said rate bills as they may consider entitled to such exemption. Said Trustees shall appoint a Collector of such rate bills, who shall take the constitutional oath of office, whose duty it shall be to present said rate bills to the person so assessed, and demand payment thereof; and if such person, after thirty days' notice by the said Collector, shall refuse or neglect to pay said rate bill, then the said Collector shall return the same to said Trustees, with his certificate thereon, stating that demand has been made, and that said person has refused or neglected to pay the same, and stating the date of notification and of return. The Trustees thereupon shall bring suit in the name of the people of the State of California as plaintiffs, in any Justices' Court of the township or city in which said district may be situated, for the collection of said rate bill, with costs of suit. Said rate bill, certified by said Collector, shall be prima facie evidence that said rate bill has been properly assessed, and that all proceedings thereon have been lawfully conducted, and that the sum mentioned therein is due from the party named. In case of any suit under the provisions of this section, the Justice of the Peace in whose Court it is brought, and the officer in whose hands the papers are placed for service, shall perform the duties required without payment in advance, and without any payment whatever, unless the same is made at cost of defendant; and any witness subpoenaed shall attend without being entitled to demand or receive any fee or mileage in advance; and no witness shall receive any fee or mileage unless the same is made out of the defendant as costs; and in case of judgment for defendant, it shall be general and without costs; and in case a majority of the Trustees demand it, a writ of attachment shall issue without a bond being filed, and without any other matter or thing being had or done, except the filing of the unpaid rate bill, with the officer's affidavit thereto, as herein required. Except in any new district in which a school for the first time is opened, no Board of Trustees shall have any power to levy or collect any tuition or rate bills, until a free school shall have been maintained for at least three months in each year; and the Superintendent

of Public Instruction shall deduct and withhold twenty-five per cent. of the State School Fund otherwise due from any district in which a school has been maintained in violation of this section.

SEC. 102. The Board of Trustees of any school district, whenever the estimated State and county school moneys to be apportioned to such district shall be deemed by them insufficient to maintain a free school five months in each year, as required in the preceding section, shall proceed to levy a direct tax upon all the taxable property of the district, sufficient to raise an amount which, together with the estimated amount of State and county school money to be received, shall maintain a free school five months. The Trustees, in making their estimate of money to be apportioned to the district, shall base their calculation on the written statement of the County Superintendent, and shall include in their estimate of the amount necessary to be raised by tax, all probable contingent expenses for furniture and incidentals authorized by law, as well as for the salary of a teacher; and such estimates shall all be recorded by the District Clerk in the record book of the Board, and said record shall be prima facie evidence of the necessity of the tax and of the amount to be levied. Such tax shall be assessed, equalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for school purposes, as provided in this Act, except that the Trustees may appoint an Assessor and Collector.

GENERAL PROVISIONS.

School Funds.

SEC. 103. All State school funds apportioned by the Superintendent of Public Instruction, and all county school moneys apportioned by County Superintendents of Common Schools, shall be apportioned to the several school districts and cities in proportion to the number of school census children between five and fifteen years of age, as shown by the returns of the School Census Marshals for the next preceding school year; *provided*, that Indian children who are not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list.

SEC. 104. The State School Fund, excepting as otherwise provided in this Act, shall be used for no other purpose than the payment of teachers legally qualified and employed under the provisions of this Act. County school moneys may be used by the County Superintendent and Trustees for the various purposes as authorized and provided in this Act.

SEC. 105. No school district shall be entitled to receive any apportionment of State or county school moneys unless the teachers employed in the schools of such district shall hold legal certificates of fitness for the occupation of teaching, in full force and effect.

SEC. 106. No school district shall be entitled to receive any apportionment of State or county school moneys which shall not have maintained a free public school for at least three months during the then next preceding school year; *provided*, that any new district, formed by the division of an old one, shall be entitled to its apportionment when the time that school was maintained in the old district before division, and in the new district after division, shall be equal to at least three months, as required in section one hundred and one. Any school district which shall neglect or refuse to adopt and use the State series of text books required in pursuance of law, shall not be deemed or adjudged a school district within the meaning of this Act.

Of Penalties and Disabilities.

SEC. 107. When any school officer is superseded by election or otherwise, he shall immediately deliver to his successor in office all books, papers, and moneys pertaining to his office; and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers or any part thereof, or shall misapply any moneys intrusted to him by virtue of his office, shall be guilty of misdemeanor, and shall be punished by a fine, in the discretion of the Court, not exceeding one hundred dollars.

SEC. 108. Every person elected or appointed to any office mentioned in this Act, shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be indorsed thereon; otherwise, it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths; and school officers are hereby authorized to administer all oaths relative to school business appertaining to their respective offices without charge or fee.

SEC. 109. If any School Trustee or member of any Board of Education shall refuse or neglect to perform any official act or duty prescribed by law, he shall be liable to the pains and penalties of the Act of March fourteenth, eighteen hundred and fifty-three, entitled an Act to prevent extortion in office and to enforce official duty.

SEC. 110. No School Trustee or member of any Board of Education shall be directly or indirectly interested in any contract made by the Board of which he is a member; and any contract made in violation of this provision shall be null and void. No Trustee or member of any Board of Education shall receive any compensation for his official services.

SEC. 111. All fines and penalties not otherwise provided for in this Act shall be collected by an action in any Court of competent jurisdiction, and shall be paid into the District or County School Fund, as the case may be.

SEC. 112. Any parent, guardian, or other person, who shall upbraid, insult, or abuse any teacher in the presence of the school, shall be guilty of a misdemeanor, and be liable to a fine of not less than ten nor exceeding one hundred dollars.

SEC. 113. Any person who shall wilfully disturb any public school, or any public school meeting, shall be guilty of a misdemeanor, and liable to a fine of not less than ten nor more than one hundred dollars.

SEC. 114. In case any Board of Trustees or Board of Education shall fail to appoint a Census Marshal at the proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said Trustees or members of said Board of Education shall be, jointly and severally, individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of and for the benefit of the district.

SEC. 115. If any Board of Trustees shall neglect or refuse to open a school when there is sufficient money in the Treasury to maintain one for five months, or if any Board neglect or refuse to levy a tax for maintaining a school five months, as provided in this Act, it shall be the duty of the County Superintendent, whenever he shall be satisfied of such facts, to remove from office any one or all of the Trustees of such Board, and appoint to fill the vacancy.

SEC. 116. All cases of dispute in relation to school matters, not properly belonging to Courts of justice, may be referred first to the County Superintendent, and appealed to the State Superintendent.

Miscellaneous.

SEC. 117. All incorporated literary institutions, and all institutions having educational departments, to which State appropriations are made, shall report biennially to the Superintendent of Public Instruction such educational statistics as he may require.

SEC. 118. Every member of any Board of Education, and every Superintendent of Public Schools in any incorporated city having a special school law, shall hereafter be elected by a direct vote of the people; and all laws or parts of laws in conflict with this provision are hereby repealed. And in any city in which such school officers have heretofore been appointed, the Common Council or Board of Supervisors shall make provision by ordinance for the election of school officers at the general election, or at special elections; *provided*, that the terms of officers already appointed may be continued until the time of the next general or city election; and if provision for such election is not made, any ten voters may call it, on thirty days' notice.

SEC. 119. The school year shall begin on the first day of July, and end on the last day of June.

SEC. 120. All printing or binding required under this Act shall be executed by the State Printer, in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the General Fund of the State.

SEC. 121. This Act shall be known and referred to as the "Revised School Law," and no other title or reference shall be necessary.

SEC. 122. The Act entitled an Act to provide for the maintenance and supervision of common schools, approved April sixth, eighteen hundred and sixty-three, and an Act amendatory of and supplementary to the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of common schools, approved March twenty-second, eighteen hundred and sixty-four, and all Acts and parts of Acts, whether general or special, so far as they are inconsistent with the provisions of this Act, are hereby repealed; but such repeal shall not affect any legal proceedings taken, or taxes levied, or officers elected, in accordance with the provisions of such repealed laws.

SEC. 123. This Act shall take effect from its passage.

RULES AND REGULATIONS

OF THE

PUBLIC SCHOOLS OF CALIFORNIA.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, in accordance with section two of the Revised School Law, and required to be enforced in all public schools, according to section forty-two, subdivision two, and section sixty-four of the Revised School Law.]

SECTION 1. Teachers are required to be present at their respective schoolrooms, and to open them for the admission of pupils at fifteen minutes before the time prescribed for commencing school, and to punctually observe the hours for opening and closing school.

SEC. 2. Unless otherwise provided by special action of Trustees, or Boards of Education, the daily school sessions shall commence at nine o'clock A. M., and close at four o'clock P. M., with an intermission at noon of one hour, from twelve M., to one o'clock P. M. There shall be allowed a recess of twenty minutes in the forenoon session, from ten-forty to eleven o'clock, and a recess of twenty minutes in the afternoon session, from two-forty to three o'clock. When boys and girls are allowed separate recesses, fifteen minutes shall be allowed for each recess.

SEC. 3. In graded primary schools in which the average age of the pupils is under eight years, the daily sessions shall not exceed four hours a day, exclusive of the intermission at noon, and inclusive of the recesses. If such schools are opened at nine o'clock A. M., they shall be closed at two o'clock P. M. In ungraded schools, all children under eight years of age shall be either dismissed after a four hours' session, or allowed recesses for play of such length that the actual confinement in the school-room shall not exceed three hours and a half.

SEC. 4. No pupil shall be detained in school during the intermission at noon, and a pupil detained at any recess shall be permitted to go out immediately thereafter. All pupils, except those detained for punishment, shall be required to pass out of the schoolrooms at recess, unless it would occasion an exposure of health.

SEC. 5. Principals shall be held responsible for the general management and discipline of the schools; and the other teachers shall follow their directions and co-operate with them, not only during the school

hours, but during the time when the pupils are on the school premises, before and after school, and during recesses. Assistants shall be held responsible for the order and discipline of their own rooms, under the general direction of the Principals.

SEC. 6. Teachers are particularly enjoined to devote their time faithfully to a vigilant and watchful care over the conduct and habits of the pupils during the time for relaxation and play, before and after school, and during the recesses, both in the school buildings and on the playgrounds.

SEC. 7. It is expected that teachers will exercise a general inspection over the conduct of scholars going to and returning from school. They shall exert their influence to prevent all quarrelling and disagreement, all rude and noisy behavior in the streets, all vulgar and profane language, all improper games, and all disrespect to citizens and strangers.

SEC. 8. Teachers shall prescribe such rules for the use of the yards, basements, and outbuildings connected with the schoolhouses, as shall insure their being kept in a neat and proper condition, and shall examine them as often as may be necessary for such purpose. Teachers shall be held responsible for any want of neatness or cleanliness about their school premises.

SEC. 9. Teachers shall give vigilant attention to the ventilation and temperature of their schoolrooms. At each recess the windows and doors shall be opened for the purpose of changing the atmosphere of the room. Teachers are cautioned against hot fires and a high temperature.

SEC. 10. Teachers shall enter in the school registers, in the order of their application, the names of all those applying for admission to the school, after the prescribed number of pupils have been received. Such applicants shall be admitted to seats whenever a vacancy occurs in any class for which they have been found duly qualified, in the order of their registration.

SEC. 11. Teachers are authorized to require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence or tardiness, or of dismissal before the close of school.

SEC. 12. No pupil shall be allowed to retain connection with any public school unless furnished with books, slate, and other utensils required to be used in the class to which he belongs; *provided*, that no pupil shall be excluded for such cause unless the parent or guardian shall have been furnished by the teacher with a list of books or articles needed and one week shall have elapsed after such notice without the pupil's obtaining said books. Books may be furnished to indigent children by the Trustees, at the expense of the district, whenever the teacher shall have certified in writing that the pupil applying is unable to purchase such books.

SEC. 13. Any pupil who shall in any way cut or otherwise injure any schoolhouse, or injure any fences, trees, or outbuildings belonging to any of the school estates, or shall write any profane or obscene language or make any obscene pictures or characters on any school premises, shall be liable to suspension, expulsion, or other punishment, according to the nature of the offence. The teacher may suspend a pupil temporarily for such offence, and shall notify the trustees of such action. Pupils shall not be allowed to remain in any of the rooms that are provided with improved styles of furniture except in the presence of a teacher or a monitor, who is made specially responsible for the care of the seats and desks. All damages done to school property by any of the pupils shall be repaired at the expense of the party committing the trespass.

SEC. 14. All pupils who go to school without proper attention having been given to personal cleanliness, or neatness of dress, shall be sent home to be properly prepared for school, or shall be required to prepare themselves for the schoolroom before entering. Every schoolroom shall be provided with a wash basin, soap, and towels.

SEC. 15. No pupils affected with any contagious disease shall be allowed to remain in any of the public schools.

SEC. 16. The books used and the studies pursued shall be such, and such only, as may be authorized by the State Board of Education; and no teacher shall require or advise any of the pupils to purchase for use in the schools any book not contained in the list of books directed and authorized to be used in the schools.

SEC. 17. It shall be the duty of the teachers of the schools to read to the pupils from time to time so much of the school regulations as apply to them, that they may have a clear understanding of the rules by which they are governed.

SEC. 18. In all primary schools exercises in free gymnastics, and vocal and breathing exercises, shall be given at least twice a day, and for a time not less than five minutes for each exercise.

SEC. 19. The following supplies shall be provided by the District Clerk, under the provisions of section forty-six of the Revised School Law, on the written requisition of the teacher, viz: clocks, brooms, dusting brushes, wash basins, water buckets, tin cups, dust pans, matches; ink, ink bottles, pens, penholders, slate pencils, crayon chalk, hand bells, coal buckets or wood boxes, shovels, pokers, soap, towels, thermometers, door mats, scrapers, and stationery.

SEC. 20. Trustees are authorized and recommended to employ a suitable person to sweep and take care of the schoolhouse, and to make suitable provision for supplying the school with water.

RULES FOR PUPILS.

1. Every pupil is expected to attend school punctually and regularly; to conform to the regulations of the school, and to obey promptly all the directions of the teacher; to observe good order and propriety of deportment; to be diligent in study, respectful to teachers, and kind and obliging to schoolmates; to refrain entirely from the use of profane and vulgar language, and to be clean and neat in person and clothing.

2. Pupils are required, in all cases of absence, to bring, on their return to school, an excuse in writing from their parents or guardians assigning good and sufficient reasons for such absence.

3. All pupils who have fallen behind their grade, by absence or irregularity of attendance, by indolence or inattention, shall be placed in the grade below, at the discretion of the teacher.

4. No pupil shall be permitted to leave school at recess, or at any other time before the regular hour for closing school, except in case of sickness or on written request of parent or guardian.

5. Any scholar who shall be absent one week without giving notice to the teacher, shall lose all claim to his particular desk for the remainder of the term, and shall not be considered a member of the school.

6. Each scholar shall have a particular desk, and shall keep the same and the floor beneath in a neat and orderly condition.

INSTRUCTIONS TO TEACHERS.

1. Teachers will endeavor to make themselves acquainted with parents and guardians, in order to secure their aid and co-operation, and to better understand the temperaments, characteristics, and wants of the children.

2. Teachers shall daily examine the lessons of their various classes, and make such special preparation upon them, if necessary, as not to be constantly confined to the text book, and instruct all their pupils, without partiality, in those branches of school studies which their various classes may be pursuing. In all their intercourse with their scholars they are required to strive to impress on their minds, both by precepts and example, the great importance of continued efforts for improvement in morals, and manners, and deportment, as well as in useful learning.

3. Teachers should explain each new lesson assigned, if necessary, by familiar remarks and illustrations, that every pupil may know, before he is sent to his seat, what he is expected to do at the next recitation, and how it is to be done.

4. Teachers should only use the text book for occasional reference, and should not permit it to be taken to the recitation to be referred to by the pupils, except in case of such exercises as absolutely require it. They should assign many questions of their own preparing, involving an application of what the pupils have learned to the business of life.

5. Teachers should endeavor to arouse and fix the attention of the whole class, and to occupy and bring into action as many of the faculties of their pupils as possible. They should never proceed with the recitation without the attention of the whole class, nor go round the class with recitation always in the same order, or in regular rotation.

6. Teachers should at all times exhibit proper animation themselves, manifesting a lively interest in the subject taught, avoid all heavy, plodding movements, all formal routine in teaching, lest the pupil be dull and drowsy, and imbibe the notion he studies only to recite.

 RULES FOR DISTRICT LIBRARIES.

(Adopted by the State Board of Education, June 8th, 1866.)

1. The Librarian appointed by the Trustees shall properly label and number each book in the district library, and keep a catalogue of the same, showing the title and number of each book.

2. The library shall be open for drawing and returning books—(here insert such time as may be determined by the Trustees and Librarian.)

3. Every child attending school shall be entitled to the privileges of the library; but when the number of books is insufficient to supply all the pupils, the Librarian shall determine the manner in which books may be drawn.

4. No person shall be entitled to two books from the library at the same time, and no family shall draw more than one book while other families wishing books remain unsupplied.

5. No person shall loan a library book to any one out of his own house, under a penalty of fifty cents for each offence.

6. No person shall retain a book from the library more than two weeks, under a penalty of ten cents for each day he may so retain it; and no person may draw the same book a second time while any other person wishes to draw it.

7. Any person losing or destroying a library book shall pay the cost of such book and a fine of fifty cents; and any person injuring a book by marking, tearing, or unnecessarily soiling it, shall be liable to a fine of not less than ten cents, nor more than the cost of the book, to be determined by the Librarian.

8. Any person refusing or neglecting to pay any penalty or fine shall not be allowed to draw any book from the library.

9. The Librarian shall report to the Trustees, quarterly, the amount of fines imposed and collected, and the amount received for membership dues; and all moneys accruing from these sources shall be expended for the purchase or repair of books.

10. Any person, other than pupils attending, resident in the school district, may become entitled to the privileges of the school library by the payment of an admission fee of one dollar, and a monthly membership of twenty-five cents.

11. Any person resident in the district, who shall pay to the Trustees the sum of ten dollars, shall be entitled to a life membership privilege of the library.

12. The Librarian shall report, annually, to the District Clerk, on or before the tenth day of July, the number and condition of books in the library, the number and titles of books received by donation, the number and titles of books purchased, the amount of State School Library Fund expended, and the amount derived from fines and membership fees.

STATE SERIES OF TEXT BOOKS.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, in accordance with section ninety-six of the Revised School Law.]

ARITHMETIC.

(Adopted for four years.)

Eaton's Primary,
Eaton's Intellectual,

Eaton's Common School,
Eaton's Higher.

GEOGRAPHY.

Allen's Primary (continued.)
Cornell's Primary (continued.)
Warren's Intermediate.
Clarke's Common School.
Warren's Physical (continued.)
Shaw and Allen's (continued.)
Cornell's Outline Maps (adopted.)
Guyot's Wall Maps of Physical Geography (adopted.)

GRAMMAR.

Greene's Introduction (adopted.)
Quackenbos' English Grammar (continued.)

READERS.

Willson's Entire Series, with charts (adopted.)

PHYSIOLOGY.

Hooker's Elementary (adopted.)

Cutter's Larger (adopted.)

HISTORY OF THE UNITED STATES.

Quackenbos' Primary (adopted.)

Quackenbos' Larger (adopted.)

NATURAL PHILOSOPHY.

Quackenbos' Natural Philosophy (adopted.)

ALGEBRA.

Robinson's Series (adopted.)

MORAL TRAINING.

Cowdery's Moral Lessons (adopted.)

ENGLISH COMPOSITION.

Quackenbos' (adopted.)

Layres' (adopted.)

PENMANSHIP.

Spencerian, and Payson & Dunton's (both recommended.)

BOOKS RECOMMENDED FOR TEACHERS.

Sheldon's Elementary Instruction.

Sheldon's Lessons on Objects.

Willson's Manual.

Russell's Normal Training.

Russell and Murdock's Vocal Culture.

Russell's Exercises on Words.

Well's Graded Schools.

Page's Theory and Practice.

Emerson's School and Schoolmaster.

Northend's Teacher's Assistant.

Wickersham's School Economy.

Kindergarten Guide.

Guyot's Earth and Man.

Mitchell's Planetary and Stellar Worlds.

Agassiz's Methods of Study in Natural History.

Agassiz's Sketches of Geology.

Barnard's Journal of Education.

Life of Horace Mann.

Life of Dr. Arnold.

COURSE OF STUDY FOR THE PUBLIC SCHOOLS OF CALIFORNIA.

[Adopted by the State Board of Education, June eighth, eighteen hundred and sixty-six, and required to be enforced by County Superintendents, Trustees, and Teachers, according to sections sixteen, forty-two, and sixty-four of the Revised School Law.]

SIXTH GRADE.

Reading, taught from Willson's Charts, using the word method. Alphabet taught when words can be called at sight. A set of alphabet *blocks* will be found very useful. In the absence of charts, Willson's Primer must be used, and it may also be taken up after the charts are learned. Drill of two minutes at each lesson on elementary sounds. Oral language, or talking, taught by means of simple object lessons.

Numbers, counting to fifty, by use of objects only. A box of beans, or kernels of corn, or marbles, or small pebbles, can be used for this purpose, in connection with the abacus or numeral frame. The use of objects in counting, instead of abstract counting, will enable children to form a more correct idea of the relative size of numbers, and will give a better foundation for arithmetical instruction. The Arabic figures may be taught from the blackboard in connection with objects. Roman numerals to ten. Short lessons in addition may be given, using the beans at first, each pupil having ten, and afterwards using the fingers. Counting in this grade shall be allowed to fifty, and addition to ten.

Slate and Blackboard Printing and Drawing.—All pupils of this grade must be provided with a small slate and pencil. Daily exercises on both slate and blackboard, in printing, from Willson's Chart Number Eleven, or from the primer, or from copies set by the teacher—capital letters, small letters, Arabic figures, lines, angles, etc. The pupils of this grade should be allowed to use the blackboard during the recitations of other classes at least twice a day, fifteen minutes or half an hour each time. Amusement is better than listless idleness.

Object Lessons, to train the perceptive faculties—sensation, perception, attention—will embrace lessons on:

Forms, including lines—straight, curved, parallel, perpendicular, vertical, oblique, and horizontal; angles—right, acute, and obtuse; surfaces—square and triangular.

Colors, the most common, such as red, blue, and yellow, from Willson's Color Chart, or in the absence of that by classifying the colors of objects, such as grass, flowers, or articles of dress.

Miscellaneous Objects; as, articles of food, dress, or furniture, their parts and uses; the names of animals, plants, and vegetables, and their simplest uses. In these lessons the time must not exceed five minutes; only one or two new words should be introduced at a time, and every word and idea should be fixed in the mind. For instruction in object teaching the teacher is referred to Willson's Manual, accompanying the charts, or to Calkin's or Sheldon's books, one of which should be in the hands of every teacher.

Manners and Morals, taught by explaining and enforcing habits of personal cleanliness, neatness in dress, order, obedience, and politeness, by *telling*, not reading, simple stories to illustrate the virtues of honesty, truthfulness, and kindness to one another, and to animals. Cowdery's Moral Lessons will be found invaluable for reference by the teacher, who should be able to tell the stories without the use of the book in school.

The time given to this grade must depend on the number of pupils it contains, compared with the other grades. The general rule must be *short exercises*, never exceeding ten minutes and seldom five. The recesses of the children in this grade ought to be twice or three times the length of those for the older pupils. When in school they must be kept busy; and when there is nothing to be done, they ought to be out at play.

FIFTH GRADE.

Reading.—Willson's Primer completed, and First Reader begun, to be completed in this grade. Willson's Charts, Numbers Four, Five, Six, Seven, and Eight; spelling first from the Charts, then from Willson's Primary Speller, the words to be used in constructing oral sentences according to directions. Spelling lessons to be printed daily on the blackboard and on slates. Phonic spelling from Charts Numbers Seven and Eight.

Numbers, counting to two hundred; counting by twos, fives, and tens, to fifty, and backward. Adding and subtracting numbers, not to exceed twenty in amount; mental operations to be expressed by written figures on the board and slates. This grade strictly limited to small numbers and simple operations, quickly performed.

Printing and Drawing.—Printing spelling lessons continued, and sentences begun. Drawing lines and angles from Willson's Chart Number Eleven.

Object Lessons.—Lines and measures, forms and solids, and measures for the eye, from Willson's Charts Numbers Eleven and Twelve. Colors from Willson's Color Chart Number Thirteen, and box of hand color cards. In the absence of charts, the teacher will draw on the board, lines, angles, and circles; surface forms, as triangle, parallelogram, hexagon, etc.; measures, such as inch, three inch, six inch, foot, and yard, square inch and square foot; or better still, sticks and pieces of board to illustrate the same, to be used in actually measuring objects and distances in the room.

Miscellaneous Lessons may embrace animals, birds, flowers, grains, vegetables, etc., from the charts, and confined mainly to names, parts, and uses.

Morals and Manners, as in the sixth grade, with the introduction of longer stories, read by the teacher, with applications more fully made. Committing to memory maxims and mottoes, such as are found in Willson's Manual.

Remarks.—In small schools, with few pupils, the fifth and sixth grades must be united in one. Short lessons and quick work; no exercise to exceed ten minutes at one time. Long recesses and plenty of amusement; make no smart children dull by long confinement and overwork.

FOURTH GRADE.

Reading.—Willson's Second Reader. Short class drill of one minute each, at each reading lesson, on inflection, emphasis, pitch, and force.

Spelling.—Willson's Primary Speller, with simultaneous class drill of two minutes each lesson, in phonic spelling, to secure distinctness of articulation and enunciation.

Arithmetic.—Eaton's Primary, counting by twos, threes, fours, fives, tens, and twenties, to one hundred, and backward; counting to two hundred, by bean boxes, if possible. Counting by objects is more diffi-

cult and more useful than abstract counting. Multiplication tables begun, explained by objects and the numeral frame, and learned to six times twelve. Easy examples in addition and subtraction, performed on the board. Lessons of the Mental Arithmetic written on the board; short mental exercises, combining addition, subtraction, and multiplication. Numeration and notation, not to exceed one thousand; Roman numerals, to one hundred.

Geography.—Allen's Primary, used according to the instructions to teachers in the text book. Colton's Geographical Charts, if in school. Globe used to explain the shape and revolutions of the earth, and the relative positions of the grand divisions. Lessons in local geography; directions of north, east, south, and west—not on the map, but out of doors; map of the schoolroom; exercises in the distances of places within five, ten, or twenty miles. Drawing all the maps of Allen's Geography on slate, paper, and blackboard.

Slate and Blackboard Printing and Drawing.—Printing lessons in arithmetic and spelling, both on board and slates; never leave the blackboard unused for a single minute; one grade can constantly be occupied. Drawing on slate and blackboard from margins of Spencerian Charts, from drawing cards, or best of all, from copies of the teacher.

Writing, on both slate and blackboard, first words from Willson's Chart Number Nine, then capital and small script letters.

Object Lessons may now be more systematically given, appealing to judgment as well as observation.

Colors reviewed and continued from the color charts. Forms reviewed and continued, by using a box of geometrical solids. Animals, from Willson's Charts. Plants, forms and classes of leaves, and parts of flowers, from Willson's Charts.

Manners and Morals taught by lessons in Willson's Second Reader.

THIRD GRADE.

Reading.—Willson's Third Reader.

Spelling.—Willson's Primary Speller completed. All exercises in constructing sentences to be required as directed in the text book, as a preliminary to the study of grammar. Weekly exercise in collecting and writing words in common use, and the names of common objects.

Arithmetic.—Eaton's Intellectual. Multiplication table completed. Slate and blackboard drill exercises of five minutes, twice a week, in addition, subtraction, multiplication, and division. Lessons in mental arithmetic. Lessons on notation and numeration, extending to larger numbers.

Geography.—Cornell's Primary. All the maps to be drawn on slate, blackboard, or paper; Cornell's Outline Maps used in connection. Globe used for explaining latitude, longitude, tropics, and polar circles, and relative positions of places named in the geography. Map of county, town, or city in which the pupils live. Exercises in distances of places in this State, and next the outline map of the State, with principal cities, rivers, and mountains.

Grammar.—Greene's Introductory to Part II, at the option of the teacher. Exercises in constructing sentences, similar to those in Willson's Speller. Principal parts of speech.

Penmanship.—Writing on slate and blackboard continued. Blank copy

books and pen used. Drill class exercises in position at the desk, holding the pen, using the fingers and arm, and on elements of letters. Copies to be set on the blackboard, in connection with the Spencerian or Payson & Dunton's Charts. Time, half an hour daily.

Drawing.—Slate and blackboard continued, and pencil drawing on paper begun. Forms of leaves from Willson's Chart Number Thirteen, and from drawing cards.

Object Lessons.—Willson's Charts continued according to directions. Begin collecting for the school cabinet specimens of rocks, minerals, ores, metals, grains, and other common objects, using them as topics. Lessons, fifteen minutes, twice a week.

Moral Lessons.—Cowdery's Moral Lessons. Making full application of lessons for the purpose of exercising the conscience in judgment of acts and character. Pupils can now be taught the foundation of moral obligations, and the various classes of human rights and duties.

Remarks.—In this grade pupils begin to study lessons systematically. If the school is large, the teacher can make daily alternations of reading and spelling, or of grammar and geography. It is by no means necessary that all the recitations should be daily.

SECOND GRADE.

Reading.—Willson's Fourth Reader; two lessons a week, in connection with Willson's Charts.

Spelling.—Willson's Larger Speller; two lessons a week, both written and oral, alternating with reading.

Arithmetic.—Eaton's Practical, begun and continued to decimal fractions; daily lessons. Eaton's Intellectual, continued; two lessons a week. Drill class exercises of five minutes each, in written arithmetic, on rapid operations in addition and multiplication.

Geography.—Warren's Intermediate, or Clarke's. Learning the coarse print and leading map questions. Cornell's Outline Maps, continued. Exercises in latitude and longitude of cities and countries on the globe. Outline maps on paper, every two weeks. Two lessons a week in geography, alternating with grammar.

Grammar.—Greene's Introductory, completed. Weekly compositions, embracing geographical descriptions, or descriptions of objects, considered under the head of object lessons. No composition on abstract topics. Quackenbos' English Composition, at the option of the teacher, to be used in connection with Greene's Introduction.

Penmanship.—Pupils must now be taught how to write, fold, and address a letter; one letter a week, until the letters are correctly written. Engraved copy books of the Spencerian, or Payson & Dunton's system. Blank books still used for drill exercises. Pupils required to present monthly specimens for examination and credits.

History.—Quackenbos' Primary.

Object Lessons.—One lesson a week, fifteen to thirty minutes. Collection of cabinet specimens continued.

Moral Lessons.—One lesson a week, half an hour.

FIRST GRADE.

Reading.—Willson's Fourth, continued, or Fifth taken up if the class is competent to use it. Two lessons a week.

Spelling.—Willson's Speller, continued alternately with reading. Writ-

ten exercises in constructing sentences, according to directions on each page of the Speller.

Arithmetic.—Eaton's Practical, continued. Exercises in writing promissory notes, orders, receipts, and business forms, twice a week, until all the pupils can execute neatly and correctly. Written examination of ten questions, once a month.

Grammar.—Quackenbos'. Pupils required to correct one another's written exercises and compositions, and to re-write them before submitting to the corrections by the teacher. Grammar alternating with geography. Written examinations monthly.

Geography—Clarke's, continued. Specimen maps drawn once a month. Written geographical descriptions, and monthly review examinations in writing.

History.—Quackenbos' United States.

Physiology.—Hooker's Larger, alternating with history.

Bookkeeping, in place of writing; Payson & Dunton's Elementary.

Oral Instruction, in State Government, and in Constitution and Government of the United States, rights and duties of citizenship.

Remarks.—In schools numbering fifty pupils, it will probably be found necessary to have two classes in arithmetic and grammar in this grade, and the same in the second. In reading, spelling, and geography, every effort should be made to keep the classes united.

ADVANCED GRADE.

Arithmetic.—Eaton's Practical completed, or High School begun.

Algebra.—Robinson's Elementary, alternating with arithmetic.

Reading.—Declamations and recitations.

Bookkeeping.—Advanced.

Grammar.—Analysis and composition.

Natural Philosophy.—Quackenbos'.

Elementary Drawing.

Geometry.

GENERAL EXERCISES.

The tact and skill of teachers will be shown in the arrangement of the general exercises of the whole school, or for two grades united. Some of these exercises should be as follows: In arithmetic, drill exercises of five minutes in mental examples, at least twice a week; slate and black-board exercises of five minutes in adding columns of figures, for first, second, and third grades together; exercises in four elementary rules.

Declamations for the boys, and select readings or recitations of poetry by the girls, weekly or semi-monthly. Physical exercises daily, such as free gymnastic and other exercises, according to Lewis' or Watson's handbooks.

Spelling matches in oral spelling, uniting the three highest grades. Written spelling in the same manner.

General exercises of three grades in letter writing. Drill exercises of the whole school in penmanship, position at the desk, holding the pen, and elements of letters.

Allowing the pupils of one grade to question those of another on any one of the school studies. Object lesson for the whole school. Singing should be a daily exercise, if possible.

Manners and Morals.—General lessons on such topics as lying, stealing,

profanity, intemperance, idleness, industry, honesty, truthfulness, duties to parents, obedience to authority.

Indispensable School Apparatus.—Willson's School and Family Charts, Cornell's Outline Maps, Map of California, a globe, Webster's New Pictorial Dictionary, set of writing charts, numeral frame, set of alphabet blocks, box of geometrical solids, a foot rule and a tape line; gill, pint, and quart measures; ounce, quarter pound, half pound, and pound weights (avoirdupois,) and scales for experiments in weighing, a box of beans or marbles, a school cabinet.

OFFICIAL FORMS AND BLANKS.

No. 1.

Form of notice of the annual election of School Trustees.

ELECTION NOTICE.

Notice is hereby given to the qualified electors of _____ School District, that the annual school meeting for the election of School Trustees will be held on the last Saturday in June, 186 , at the public schoolhouse of said district.

The polls will be open between the hours of _____ and _____.

Dated _____, 186 .

_____ School Trustees.

No. 2.

Form of notice or advertisement of a district election under Section 98, Revised School Law, for voting a tax to maintain a free school or to build a schoolhouse.

ELECTION NOTICE.

Notice is hereby given to the qualified electors of _____ School District, that an election will be held on the _____ day of _____, at which will be submitted the question of voting a tax to maintain a free school [or to build a schoolhouse.]

It will be necessary to raise for this purpose the sum of \$_____, and the rate of taxation necessary to be levied will be _____ cents upon the \$100 of taxable property in the district.

The polls will be open at the public schoolhouse between the hours of _____ and _____.

_____ District School Trustees.

NOTE.—The date must be twenty days before election, and the notice must be advertised in the county paper, if there be one, once a week for three weeks prior to the election. For details, see Section 98, Revised School Law.

No. 3.

Form of District Clerk's Receipt, under Section 107, Revised School Law.

Received of _____, District Clerk of _____ School District, County of _____, all records, papers, books, blanks, and documents belonging to said district, and required to be delivered by Section 107 of the Revised School Law.

District Clerk.

No. 4.

Form of receipt of County Superintendent of Common Schools, under Section 16, Clause 9th, Revised School Law.

Received of _____, Superintendent of Common Schools of _____ County, all documents and records required to be delivered under Sections 107 and 16 of the Revised School Law.

Superintendent Common Schools.

No. 5.

School Trustee's order upon the County Superintendent of Public Schools.

No. _____, 186 .

The County Superintendent of Public Schools of _____ County will draw a warrant on the County Treasurer, payable out of the _____ School Fund, for _____ dollars, in favor of _____ or order, on account of _____ during the present school year, in the _____ School District.

School Trustees of _____ District.

No. 6.

County Superintendent's warrant upon the County Treasurer.

No. _____, 186 .

The Treasurer of _____ County will pay from the _____ School Fund to _____ or order, _____ dollars, on account of _____ in _____ School District, during the school year ending August 31, 186 .

County Sup't of Public Schools.

No. 7.

Certificate of election of Trustee of Public Schools.

To _____ of _____, Greeting:

This certifies that you, the said _____, were, at an election held on the _____ day of June, Anno Domini, 186____, chosen to the office of Trustee of Public Schools of _____ District, County of _____, State of California, and you are, by virtue of said election and qualification, fully authorized and empowered to discharge all the duties of said office, and to exercise all the powers thereto belonging according to law, for three years from and including the first Saturday in September, 186____.

Clerk of District School Meeting.

NOTE.—Forward this to the County Superintendent of Common Schools without delay.

OATH OF OFFICE.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Public School Trustee for the _____ School District, in the County of _____ and State of California, according to the best of my ability. So help me God.

Sworn and subscribed to before me, a _____ of the County of _____ and State of California, this _____ day of _____, Anno Domini 186____.

NOTE.—This oath may be administered by any one of the Board of District School Trustees. Forward without delay to the County Superintendent of Common Schools.

This certificate is subject to an internal revenue stamp of five cents, to be fixed and cancelled by the person to whom the certificate is issued.

No. 8.

Appointment of Public School Trustee.

In accordance with the power vested in me by the Revised School Law, I hereby appoint you, _____, a Public School Trustee for the _____ School District, in the County of _____ and State of California, for the term of _____, to hold said office until the next annual election of School Trustees; and you are, by virtue of this appointment, fully authorized and empowered to discharge all the duties of said office when you shall have taken the oath of office required by law.

County Superintendent of Common Schools, _____ County.

This certificate is subject to an internal revenue stamp of five cents, to be affixed and cancelled by the person making the certificate.

NOTE.—Return the duplicate copy of this appointment, with the oath of office sworn and subscribed to on the back, to the office of the County Superintendent of Public Schools. Oath of office on the back.

[The same oath of office on the back as in form No. 7.]

No. 9.

Appointment of a School Census Marshal.

[See Revised School Law, Section 43.]

We, the undersigned, Trustees of Public Schools for _____ District, in the County of _____ hereby appoint _____ a School Census Marshal for said district, to take the school census during the month of June in the present year, according to the provisions of Section 43 of the Revised School Law.

You will make a full report in writing, under oath, to the County Superintendent, and deliver a certified copy thereof to the School Trustees of said district, if they require it, on or before the first day of July next after your appointment. You will not fail to make full and correct returns of all statistics required, under penalty of forfeiting all compensation for your services.

Dated _____, 186 .

Trustees of Public Schools for _____ District.

No. 10.

Agreement between Public School Trustees and a Public School Teacher.

This agreement, made the _____ day of _____, 186 , between _____, party of the first part, and the Board of Public School Trustees of _____ School District, in the County of _____, State of California, parties of the second part,

Witnesseth: That the said _____, who holds a legal certificate, hereby agrees, for the consideration hereinafter stated, to teach the public school in said district for the term of _____, commencing on the _____ day of _____, 186 ; and further agrees to enforce the rules and regulations adopted by the State Board of Education, to adopt the State series of text books, and the prescribed State course of study, and to keep the State School Register, as required by law. And the parties of the second part hereby agree to pay the said _____, for services duly rendered as teacher of said school, the sum of _____ dollars for each and every month of twenty school days, in the manner following, to wit: By drawing an order on the County Superintendent of Public Schools for public school moneys to the credit of said district, or by rate bills, or subscription, or _____.

In witness whereof, the parties have hereunto set their hands and seals, on the day and year first above written.

WITNESS:

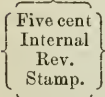
[SEAL]

Teacher.

[SEAL]

[SEAL]

[SEAL]

Trustees of District.

NOTE.—This agreement requires a revenue stamp of five cents.

No. 11.

Rules and regulations of the Public School Libraries.

PUBLIC SCHOOL LIBRARY, STATE OF CALIFORNIA.

No. —

School District.

Rules and Regulations.

1. The Librarian appointed by the Trustees shall properly label and number each book in the district library, and keep a catalogue of the same, showing the title and number of each book.
2. The library shall be open for drawing and returning books every ———, between the hours of ———.
3. Every child attending school shall be entitled to the privileges of the library; but when the number of books is insufficient to supply all the pupils, the Librarian shall determine the manner in which books may be drawn.
4. No person shall be entitled to two books from the library at the same time, and no family shall draw more than one book while other families wishing books remain unsupplied.
5. No person shall loan a library book to any one out of his own house, under a penalty of fifty cents for each offence.
6. No person shall retain a book from the library more than two weeks, under a penalty of ten cents for each day he may so retain it; and no person may draw the same book a second time while any other person wishes to draw it.
7. Any person losing or destroying a library book shall pay the cost of such book and a fine of fifty cents; and any person injuring a book by marking, tearing, or unnecessarily soiling it, shall be liable to a fine of not less than ten cents nor more than the cost of the book, to be determined by the Librarian.
8. Any person refusing or neglecting to pay any penalty or fine shall not be allowed to draw any book from the library.
9. Any person, other than pupils attending, resident in the school district, may become entitled to the privileges of the school library by the payment of an admission fee of one dollar and a monthly membership of twenty-five cents.
10. Any person resident in the district, who shall pay to the Trustees the sum of ten dollars, shall be entitled to a life membership privilege of the library.

No. 12.

TAKE NOTICE.—This report is required by law on or before the 10th day of July. [See Sections 63, 64, and 65, Revised School Law.]

Teacher's Report

Of the Public School in ——— District, County of ———
 From ———, 186—, to ———, 186—.

ABSTRACT OF MONTHLY SUMMARIES

Taken from the State School Register, for the school term or year commencing ———,
 186—, and ending ———, 186—.

TEACHER'S REPORT—Continued.

Name or number of month.	Whole number of days' attendance ...	Whole number of days' absence	Whole number of tar- dinesses	Whole number boys enrolled on Regis- ter	Whole number girls enrolled on Regis- ter	Total No. enrolled...	Average number bo- longing	Average daily at- tendance	Percentage of attend- ance on average number belonging.	Number of new pupils entered
Totals										
Averages										

GENERAL STATISTICS.

Grade of school.

Number of classes in school.

Date of taking charge of school.

Date of closing term or year.

Number of school months in school term or year.

Monthly salary of teacher, board included.

Amount of salary received from rate bills.

Amount of salary received from State and County School Fund.

What journals of education have you taken?

What State or County Institute attended?

Were you allowed pay for time in attendance?

Grade and date of your certificate.

Number of school visits made by School Trustees.

Number of school visits made by County Superintendent.

Number of school visits made by other persons.

Number of volumes in school library.

Valuation of school library.

Have you kept the State School Register as required by law?

Have you used in school the State series of text books?

Have you followed the course of study prescribed by the State Board of Education?

Have you complied with the provisions of Section 61 of the Revised School Law?

Have you endeavored to comply with the provisions of Section 70 of the Revised School Law?

With what apparatus, maps, or charts, is your school provided?

School Census Marshal's report of census returns for _____ District, _____ County, to the County Superintendent of Common Schools, for the school year ending June 30th, 186--.

Names of parent or guardian.	Number of blind children between 5 and 21 years of age.....		
	Number of deaf and dumb children between 5 and 21 years of age.....		
	Number of Mongolian children between 5 and 15 years of age attending school.....		
	Number of Mongolian children under 15 years of age.....		
	Number of children between 5 and 15 years of age who have not attended school at any time during the school year.....	Indian.	
		Negr ..	
		White..	
	Number of children between 5 and 15 years of age who have attended private schools at any time during the year.....	Indian.	
		Negro..	
		White..	
	Number of children between 5 and 15 years of age who have attended public schools at any time during the school year.....	Indian.	
		Negro..	
		White..	
	Number of children under 5 years of age.....	Indian.	
		Negro..	
		White..	
	Number of Indian children between 5 and 15 years of age who live under the guardianship of white persons.....	Total...	
		Girls ...	
		Boys ...	
		Total...	
	Number of negro children between 5 and 15 years of age.....	Girls ...	
		Boys ...	
		Total...	
	Number of white children between 5 and 15 years of age.....	Girls ...	
		Boys ...	
		Total...	

INSTRUCTIONS TO SCHOOL CENSUS MARSHALS.

You should obtain from the School Trustees, or from the Ordinance of the Board of Supervisors, the exact boundaries of your respective districts. For instructions in your duties, see Section 43 of the Revised School Law.
 You must not fail to take the oath in due form, and deliver, on or before the first day of July, a copy of this report to the County Superintendent of Common Schools, and, if required, a duplicate copy to the School Trustees.

County of _____, ss. On this _____ day of _____, A. D. 186—, personally appeared before me, the undersigned _____, a duly appointed School Census Marshal for _____ School District, whose signature is herunto subscribed, and being duly sworn according to law, made oath that the facts set forth in the within report are just and true, according to the best of his knowledge and belief.

NOTE.—This oath may be taken before any School Trustee.

No. 14.

TAKE NOTICE.—This report must be returned to the County Superintendent on or before the 20th day of July.

School Trustee's Report

Of _____ District, to the Superintendent of Common Schools of _____ County,

From July 1st, 186—, to June 30th, 186—, inclusive.

FINANCIAL REPORT.

Amount of balance on hand at the beginning of the school year.
 Amount of School Fund received from the State.
 Amount of school money received from county taxes.
 Amount raised by district tax.
 Amount raised by rate bills, subscription, or other sources.
 Total receipts from all sources for school purposes.
 Amount paid for teachers' salaries.
 Amount expended for sites, buildings, repairs, and school furniture.
 Amount of School Fund expended for school libraries.
 Amount expended for school apparatus.
 Amount expended for rent, fuel, and contingent expenses.
 Total expenditure for school purposes.
 Valuation of schoolhouses and furniture.
 Valuation of school libraries.
 Valuation of school apparatus.
 Total valuation of school property.

GENERAL STATISTICS.

Names of teachers employed during the year.
 Number of months school was maintained during the year.
 Monthly rate of wages paid the teacher.
 Number of volumes in school library.
 Total amount of donations, fees, and fines, received for the benefit of the school library.
 Total expenditures for school libraries.
 Number of new volumes purchased during the year.
 Has the School Register been kept according to law?
 Is a record book kept by the Clerk of the Board of Trustees?
 Are the Trustees and teachers supplied with copies of the Revised School Law?
 Were teachers allowed pay during the time of attendance on County Institutes?
 Have you required the State series of text books exclusively to be used in school?
 Have you enforced the rules and regulations of the State Board of Education?
 Have you enforced the course of study prescribed by the State Board of Education?
 Have you furnished the school with the supplies required by Section 48 of the Revised School Law.
 Have you complied with the provisions of Section 61 of the Revised School Law?
 Have you received the *California Teacher*?
 Has any special school tax been levied in your district?
 If so, what was the rate of tax, and for what purpose?
 Have you maintained a free school three months, as required by the Revised School Law?
 Have you levied rate bills at any time during the year?
 If so, for what length of time, and what was the monthly rate of tuition?

No. 15.

Forms of the various County Certificates.

No. —

FIRST GRADE COUNTY CERTIFICATE.

State of California.

[Seal]

County of ———.

The County Board of Examination, having examined ————— in compliance with the provisions of the Revised School Law, hereby issue this FIRST GRADE COUNTY CERTIFICATE, which entitles the holder to teach in any common school of this county, and which shall remain valid for the term of three years from date.

County Sup't of Common Schools.

County Board of
Examination.

Office of County Sup't of Common Schools, }
 _____, 186 . }

No. —

SECOND GRADE COUNTY CERTIFICATE.

State of California.

[Seal]

County of ———.

The County Board of Examination, having examined ————— in compliance with the provisions of the Revised School Law, hereby issue this SECOND GRADE COUNTY CERTIFICATE, which entitles the holder to teach a second grade county school, and which shall remain valid for the term of two years from date.

County Sup't of Common Schools.

County Board of
Examination.

Office of County Sup't of Common Schools, }
 _____, 186 . }

No. —

THIRD GRADE COUNTY CERTIFICATE.

State of California.

[Seal]

County of ———.

The County Board of Examination, having examined ————— in compliance with the provisions of the Revised School Law, hereby issue this THIRD GRADE COUNTY CERTIFICATE, which entitles the holder to teach a third grade county school, and which shall remain valid for the term of one year from date.

County Sup't of Common Schools.

County Board of
Examination.

Office of County Sup't of Common Schools, }
 _____, 186 . }

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REPORT OF THE TRUSTEES

OF THE

CALIFORNIA STATE LIBRARY

FOR THE

YEARS 1866 AND 1867.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

SACRAMENTO, December 31st, 1867.

To the Legislature of the State of California :

The number of books now in the Library, not including duplicates, is twenty-two thousand four hundred and seventy-eight, (22,478,) of which eight thousand two hundred and eighteen, (8,218,) are in the Law Department, and fourteen thousand two hundred and sixty-one, (14,261,) are in the Miscellaneous Department.

The number of books added to the Library in eighteen hundred and sixty-six and in eighteen hundred and sixty-seven, is two thousand six hundred and seventy-one, (2,671.) This number does not include duplicates, or the California Reports, Statutes, or Journals.

The following is a list of the books and pamphlets received from other States by exchange, and from individuals by donation :

Donor.	Title.
Alabama.....	Penal Code of Alabama, 2 copies, pamphlet. Acts of Alabama of 1855-6, 2 copies. Acts of Alabama of 1866-7. Alabama Reports, Vols. 37 and 38.
Arizona.	Acts of Arizona Legislature of 1864, 1865, and 1866. Journals of the Arizona Legislature of 1864, 1865, and 1866.
Arkansas	Arkansas Reports, Vols. 22, 23 and 24.
Connecticut.....	Public Acts, May Session, 1865, pamphlet ; of May Session, 1866, 3 copies, pamphlets. Private Acts and Resolutions, May Session, 1865, pamphlets ; of May Session, 1866, 2 copies, pamphlets.

Donor.	Title.
Connecticut.....	Journal of the House of Representatives, May Sessions of 1863 and of 1864, and Special Sessions of November 1863, and January 1864. Journal of the Senate, May Session of 1863, of 1864, and of 1865; and Special Sessions of November 1863, and January 1864. Legislative Documents, 1863, 1864, 1865 and 1866. Connecticut Reports, Vol. 32. General Statutes, Revision of 1860.
Dakota.....	Laws of Dakota, 1864-5, 1865-6, pamphlets. House of Assembly Journal, 1864-5, 1865-6, pamphlets. Council Journal, 1864-5, 1865-6, pamphlets.
Florida.....	Acts and Resolves of 1865, 1866. Senate Journal, 1866. House Journal, 1866. Florida Reports, Nos. 1 and 2, of Vol. 12.
Georgia	Laws of Georgia of 1865-6, and of 1866.
Idaho	Journal of the Council of Idaho Territory, 1863-4, 2 copies. Journal of the House, 1863-4. Journals of the House and Council, 1866-7.
Illinois	Journal of Illinois Convention, 1862. House Journal, 1863 and of 1865. Senate Journal, 1863 and of 1865. Reports to the General Assembly, 1863, Vols. 3 and 4; 1865, 2 vols. Laws, session of 1865, Illinois Reports, Vols. 31, 32, and 33. Illinois Digest of Reports, Henry & Read, Vol. 3.
Indiana.....	Senate Journal, session of 1865. House Journal, session of 1865. Laws, session of 1863 and of 1865. Indiana Reports, Vol. 23 (2 copies) and Vol. 24. Eighteenth Annual Report of the officers of Southern Indiana State Prison, for 1864, 2 copies, pamphlet. Eighteenth Annual Report of the Trustees of the Indiana Institute for the Blind, pamphlet. Twenty-second Annual Report of the Trustees of the Indiana Institute for the Deaf and Dumb, pamphlet. Annual Report of the Auditor of State for 1864, pamphlet.

Donor.	Title.
Indiana.....	<p>Fifth Annual Report of the Board of Control of the Northern Indiana State Prison, for 1864, pamphlet.</p> <p>Annual Report of the Commissioners of the Indiana Hospital for the Insane, for 1864, pamphlet.</p> <p>Annual Report of the Agent of State, for 1864, pamphlet.</p> <p>Annual Report of the Treasurer of State, for 1864, pamphlet.</p> <p>Report of the Allotment Commission on the transmission of money for soldiers, 2 copies, pamphlet.</p> <p>Report of the State Debt Sinking Fund Commission, pamphlet.</p> <p>Report of Asabel Stone, Quartermaster-General of Indiana, for 1864, pamphlet.</p> <p>Thirteenth Annual Report of the Superintendent of Public Instruction of the State of Indiana, for 1864, pamphlet.</p> <p>Governor's Message to the General Assembly, January 6th, 1865, pamphlet.</p> <p>Report of Pardons and Remissions granted by the Governor in 1863 and 1864, pamphlet.</p> <p>Memorial of Officers, etc., of Indiana Soldiers' Home Association.</p> <p>Annual Report of Indiana University, for 1864 and 1865, pamphlet.</p> <p>Operations of the Indiana Minute Men, 1863-4, pamphlet.</p> <p>Catalogue of the Indiana State Library for the year 1865, pamphlet.</p> <p>An Act to provide for a General System of Public Schools, pamphlet.</p>
Iowa.....	<p>Laws, session of 1866, 3 copies.</p> <p>Iowa Reports, Vols. 17, 18, 19, and 20.</p> <p>Anjutant-General's Report for 1863, 2 vols.; for 1864; 2 copies for 1865; for 1867, 2 vols.</p> <p>Iowa Digest of Reports, Vol. 2, by Hammond.</p>
Kansas.....	<p>Journal of the House and Senate of 1861.</p> <p>House Journals of 1863, 1864, and 1865.</p> <p>Senate Journals of 1862, 1863, 1864, and 1865.</p> <p>Laws, sessions of 1861, 1864, 1865, and 1866.</p> <p>Compiled Laws of 1862.</p>
Kentucky.....	<p>Senate Journal of 1865-6.</p> <p>House Journal of 1865-6.</p> <p>Legislative Documents of 1865, 2 copies.</p> <p>Auditor's Report for 1865, pamphlet.</p>

Donor.	Title.
Kentucky.....	Supplement to Revised Statutes. Duval's Kentucky Reports, Vol. 1.
Louisiana	Journals of the House of Representatives and Journals of the Senate for 1864, 1865, and 1866. Same in French, for 1866. Documents of the First Session of the Second Legislature; 2 copies in English and 2 in French. Acts of General Assembly of 1865 and of 1866.
Maine	Legislative Documents of 1857, 2 vols. of 1861, 2 vols. of 1863, of 1865, and of 1866. Laws, sessions of 1853, 1854, 1863, 1865, 1866, and 1867. Maine Reports, Vols. 50, 51, 52, and 53.
Maryland	House Journal and Documents of 1855 and 1866. Senate Journal and Documents of 1865 and 1866. Laws, sessions of 1865, 1866, and 1867. Maryland Reports, Vols. 20, 21, and 22. Maryland Digest of Reports by Cohen and Lee.
Massachusetts.....	Public Documents of 1862, 3 vols.; 1863, 4 vols.; 1864, 4 vols.; 1865, 4 vols. Laws, sessions of 1863, 1864, 1865, and 1866, 2 copies each. Reports of Election Cases, 1780-1852. Allen's Reports, Vols. 5, 6, 7, 8, 9, and 10. Gray's Reports, Vol. 12.
Minnesota.....	Senate Journals, sessions of 1859-60, of 1864, and of 1865. Executive Documents, session of 1864, and of 1865. Laws, sessions of 1853, 1855, 1856, 1864, 1865, and 1866. Minnesota Reports, Vols. 9 and 10. Minnesota as a Home for Emigrants, (Prize Essay,) pamphlet. Same in German.
Mississippi	Journal and Debates of the Constitutional Con- vention of 1865, 2 copies, pamphlets. Constitution of Mississippi of 1865, 2 copies, pamphlets. Laws, sessions of 1865, 2 copies, and of 1866-7, (Called Session,) 2 copies, pamphlets.
Missouri.....	Missouri Reports, Vols. 34, 35, 36, 37, 38, and 39. Laws, sessions of 1865, and of 1867, 3 copies each.

Donor.	Title.
Missouri.....	General Statutes Revised, 1865. Report Board of Emigration and Commissioners of Statistics, 1867.
Nebraska.....	House Journal, sessions of 1857, 1859, and 1864. Council Journal, sessions of 1855, 1857, 1859, and 1864. Laws, session of 1864. Revised Statutes of Nebraska.
Nevada.....	Senate Journal, Nevada Territory, session of 1861, 2 copies; and Senate Journal and Appen- dix, session of 1862, 2 copies; also, Senate Journal and Appendix, Nevada State, session of 1867, 2 copies. Assembly Journal and Appendix, Nevada Ter- ritory, session of 1862, 2 copies, and of Nevada State, session of 1867, two copies. Appendix to Senate Journal, Nevada Territory, session of 1861, 2 copies. Laws of Nevada State, session of 1864-5, 2 copies, of 1866 and of 1867. Nevada Reports, Vols. 1 and 2.
New Hampshire.....	Journals of the House and Senate, sessions of 1864, 1865, and 1866. Laws, sessions of 1866, 5 copies, pamphlets. School Reports, the 18th, 19th, and 20th. New Hampshire Reports, Vol. 45.
New Jersey.....	Senate Journal, sessions of 1866 and 1867. Assembly Minutes, session of 1866 and 1867. Legislative Documents of 1865, 1866, and 1867. Laws, sessions of 1862, 1865, 1866, and 1867. New Jersey Law Reports, (Vroom 1,) and (Dutcher 5) New Jersey Equity Reports, Vol. 15.
New York.....	Assembly Journals, sessions of 1864, 1865, and 1866. Senate Journals, sessions of 1864, 1865, and 1866. Assembly Documents, sessions of 1864, 12 vols ; 1865, 10 vols ; and 1866, 10 vols. Senate Documents, sessions of 1864, 4 vols ; 1865, 3 vols ; and 1866, 2 vols. Laws, sessions of 1865 and 1866. Barbour's Supreme Court Reports, Vols 42 to 47. New York Court of Appeals Report, Vols. 27 to 35. Parker's Criminal Reports, Vol. 5. New York Digest of Reports.

Donor.	Title.
New York.....	<p>Agricultural Society Transactions of 1864 and 1865.</p> <p>American Institute Transactions of 1863.</p> <p>Regents of the University Reports, 1865, 2 copies.</p> <p>Regents of the University on State Cabinet of Natural History, the 18th and 19th Reports, pamphlets,</p> <p>Superintendent of Public Instruction, Reports for 1864, 1865, and 1866.</p> <p>Trustees of the State Library, the 47th and 48th Reports, pamphlets.</p> <p>Catalogue of State Library, Law Library, first supplement, (1865.)</p> <p>Dr. Peters on the Latitude and Longitude of Ogdensburgh.</p>
North Carolina.....	<p>Laws, sessions of 1860, 1860-64, 1865-66, and 1866-67.</p> <p>North Carolina Law Cases, June Term, 1866, pamphlet.</p> <p>North Carolina Equity Cases, June Term, 1866, pamphlet.</p>
Ohio.....	<p>Laws, session of 1863.</p> <p>Ohio State Reports, Vols 13 and 15.</p> <p>Governor's Annual Message, 1865, pamphlet.</p> <p>State Library Commissioners' Report of 1865, pamphlet.</p>
Pennsylvania	<p>House Journal, sessions of 1866 and 1867.</p> <p>Senate Journal, sessions of 1866 and 1867.</p> <p>Executive Documents of 1864, 2 vols., and of 1865, 2 vols</p> <p>Legislative Documents of 1865, 2 vols., and of 1866, 2 vols.</p> <p>Laws, sessions of 1866 and of 1867.</p> <p>Pennsylvania State Reports, Vols. 45, 47, 48, 49, 50, 51, and 52.</p> <p>Adjutant-General's Reports for 1865 and for 1866.</p> <p>School Superintendent's Reports for 1865 and for 1866.</p> <p>Railroad Reports for 1865 and for 1866.</p> <p>Report of Executive Officers of the Military Department for 1865.</p> <p>Revised Report of Select Committee relative to the Soldiers' National Cemetery at Gettysburg, 2 copies.</p>

Donor.	Title.
Rhode Island.....	<p>Acts and Resolves, January Session, 1865; May Session, 1865; January Session, 1866; and May Session, 1866; pamphlet.</p> <p>Public Laws, January 1863 to January 1865, pamphlet.</p> <p>Revised Statutes, supplement numbers 2, 3 and 4, pamphlets.</p> <p>Colonial Records of Rhode Island, Vol. 10.</p> <p>Adjutant-General's Report of 1865. (Register of R. I. Volunteers.)</p> <p>Geology of Rhode Island.</p> <p>Bibliography of Rhode Island, pamphlet.</p> <p>Census of Rhode Island, 1865.</p> <p>History of Criminal Law of Rhode Island, pamphlet.</p>
Tennessee.....	<p>Senate Journals, sessions of 1835, 1841-2, 1843-4, 1847-8, 1849-50, 1851-2, 1853-4, 1855-6, 1857-8, 1865-6, 1866, Extra Session, and of 1866-7.</p> <p>House Journals, sessions of 1839-40, 1841-2, 1847-8, 1857-8, 1865-6, 1866, Extra Session, and of 1866-7.</p> <p>Senate and House Journals, sessions of 1811, 1812, 1831-2, 1832, and of 1861.</p> <p>Journals of the Territorial Council, and of the Convention of 1796, and of the First and Second Sessions of the Legislature of Tennessee, 1766.</p> <p>House Journal Appendix, sessions of 1855-6, 1857-8, and of 1865-6.</p> <p>Senate Journal Appendix, session of 1865-6.</p> <p>Laws of Tennessee, sessions of 1809-10-11-12-13, 1815-17, 1823-4, 1831, 1833, 1837-8, 1841-2, 1843-4, 1845-6, 1847-8, 1849-50, 1851-2, 1853-4, 1855-6, 1857-8, 1865-6, 1866, Extra Session, and of 1866-7.</p> <p>Compiled Laws of Tennessee, in 2 vols.</p> <p>Caldwell's Reports Tennessee Supreme Court, 2 vols.</p> <p>Head's Tennessee Supreme Court Reports, Vol. 3, 2 copies.</p> <p>Yerger's Tennessee Supreme Court Reports, Vol. 5.</p>
Texas.....	<p>Journal of the Texas State Convention of 1866.</p> <p>House Journal of the Eleventh Legislature of Texas.</p> <p>Senate Journal of the Eleventh Legislature of Texas.</p>

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Utah.....	Acts, Resolutions, and Memorials, passed at the several sessions of the Legislative Assembly of Utah.
Vermont.....	Senate Journal, sessions of 1853, 1855, 1865, and 1866. House Journals, sessions of 1865 and 1866. Legislative Documents of 1866. Laws, sessions of 1854, 1855, 1856, 1865, and 1866. Adjutant and Inspector-General's Report, 1865, 2 copies; and Adjutant-General's Report of 1866. Registration Reports of 1862, 1863, and 1864. Annual Report of the Auditor of Accounts for 1865, pamphlet. Ninth Annual Report of the Board of Education, pamphlet. Tenth Annual Report of the Railroad Commissioners, pamphlet. Vermont Reports, Vols. 36, 37, 38, and 39.
Virginia.....	House Journal, sessions of 1859-60, 1861, 1861-2, 1862-3, 1863-4, 1865-6, and of 1866-7. Senate Journal, sessions of 1855-6, 1857-8, 1865-6, and of 1866-7. Senate Journal and Documents, sessions of 1859-60, 1861, 1862-3, and 1863. Senate Journal, (Wheeling and Alexandria,) 1862, and Extra Session of 1862. House of Delegates' Journal, (Wheeling and Alexandria,) 1861, 1862, 1862-3, 1863-4, and 1864-5. Legislative Documents of 1861, 1861-2, 5 vols.; 1862-3, 1863-4, and 1865-6. Message and Documents of 1861, and of 1863. Journal of the Convention of 1861. Documents of the Convention of 1861. Constitution of Virginia, adopted February, 1864. Laws, sessions of 1860, 1861-2, 1862-3, 1863-4, 1865-6, and 1866-7.

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Washington.....	Council Journals, sessions of 1854, 1854-5, 1860-61, 1861-62, 1862-3, 1863-4, 1864-5, 1865-6, and of 1866-7. House Journals, sessions of 1854, 1854-5, 1860-1, 1861-2, 1862-3, 1864-5, 1865-6, and 1866-7. Laws, sessions of 1854, 1860-1, 1861-2, 1862-3, 1864-5, 1865-6, and of 1866-7. Opinions of the Supreme Court to January 29th, 1864.
West Virginia.....	Senate Journal, session of 1866. Constitution and Statutes of Virginia and West Virginia, 1861-66. Laws, sessions of 1863, 1865, and 1866, pamphlets. Auditor's Report for 1865. West Virginia Reports, Vol. 1.
Wisconsin.....	Wisconsin Reports, Vol. 18.
Department of the Interior, United States....	Two copies each of the following: Executive Documents, 1854-59, Vol. 10, part 2; 1861-62, Vol. 5, parts 2 and 3; 1862-63, 12 vols. in 14; 1863-64, 16 vols. Senate Documents, 1862-63, 1 vol.; 1863, 1 vol., Special Session; 1863-64, 1 vol. House Miscellaneous, 1862-63, 2 vols.; 1863-64, 3 vols. Senate Miscellaneous, 1862-63, 1863-64. House Reports, Committee and Court Claims, 1862-63, 1863-64. Senate Reports, 1862-63, 1863-64. Commerce and Navigation, 1862-63, 1863. Patent Office Reports, 1863, 2 vols. Smithsonian Reports, 1863-64. Eighth Census, 1860, 4 vols. Coast Survey, 1863. Report of the Conduct of the War, 1862-63, Vol. 2, part 1; Vol. 3, part 2; and Vol. 4, part 3. House Journal, 1862-63, 1863-64, 1865-66. Senate Journal, 1862-63, 1863-64.

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Congressional Library..	Writings of James Madison, 4 vols. Catalogue of Congress Library, 1864. Catalogue of additions made to the Library of Congress in 1866.
Smithsonian Institute...	Smithsonian Miscellaneous Collection, Vols. 6. and 7. Smithsonian Contributions to Knowledge, Vol. 14.
Sanitary Com'n., U. S...	United States Sanitary Commission Documents, Vols 1 and 2. United States Sanitary Bulletin, 1863-65.
Commissioners of Prison Association of N. Y..	Report on the Prisons and Reformatories of the United States and Canada.
California Prison Commission.....	First Report of California Prison Commission.
City of San Francisco...	Municipal Reports, 1865-66, 2 copies. Great Register of San Francisco.
California Agricultural Society.....	Transactions of the California Agricultural Society for 1858, 1859, 1860, 1861, 1863, and 1864-5, 6 vols.
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Bean, E. F.....	History and Directory of Nevada County, 1867.
Conness, Hon. John.....	Inter-Oceanic Railroads and Canals, 1866.
Cowan, Edgar.....	Catalogue of additions made to the Library of Congress from December 1st, 1864, to December 1st, 1865.
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Field, David D.....	New York Codes, 9 vols.

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McGinnis, R., (Alderman of the city of N. Y)....	Manual of the Common Council, New York City, 1866. Lincoln Obsequies.
McRuer, Hon. D. C.....	Land Office Report, 1865.
Pioche, F. L. A.....	Frignet Ernest, La Californie History.
Swett, John.....	California Teacher, Vols. 2 and 3.
Yale, Gregory.....	Mining Claims and Water Rights.

The Trustees of the Library have been desirous of procuring complete sets of the Law Reports of all other States, in which they have succeeded as well as could have been expected, as it is almost impossible to procure the early reports. Since our last report we have added the Delaware Reports to the Library, and we now have all the Law Reports that have been published in the United States, with the exception of ten volumes; and California can boast of having one of the best Law Libraries in the United States. It is true many other libraries may have a greater number of books, but an examination of their catalogues will show that they are made up of old editions of Law Treatises, and Acts, and Journals of State Legislatures, which are but of little value.

Of the miscellaneous books purchased during the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, a large proportion are scientific works, among which are many valuable books on mining. Considerable additions have also been made to the historical department, particularly California history. Now that every department of science and literature is well represented in the Library, particular attention should be given to the collection of books on California, as our Library should contain every one written about our own State.

A catalogue, arranged alphabetically by authors, and also according to subjects, has been printed and will be found useful to members of the Legislature and others for reference.

All books added to the Library since the catalogue was printed are catalogued in manuscript, both alphabetically and according to subjects, so that no difficulty is experienced in ascertaining what books are in the Library.

Since the adjournment of the last Legislature an additional room has been fitted up and is now used for library purposes.

The Library is insured for the sum of seventy-five thousand dollars; the premium on this insurance was paid out of an appropriation made by the last Legislature for that purpose. The policies expire in July next, and further appropriation will be necessary for the next two years.

The amount of money in the Library Fund at the date of the last report of the Trustees, was six thousand nine hundred and four dollars and two cents. Since that time the Secretary of State has paid in seven thousand three hundred and thirty-one dollars and fifteen cents, and from members of the Eighteenth session of the Legislature, six hundred dollars—total, fourteen thousand eight hundred and thirty-five dollars and seventeen cents. Of this sum there has been paid for books, ten thousand four hundred and ninety-three dollars and seventy-two cents; for binding, six hundred and ninety-two dollars and twenty-five cents; for freight on books, four hundred and forty-six dollars and sixty cents; for magazines and the Sacramento Union, two hundred and four dollars; for rent, six hundred dollars; for shelving and furniture, five hundred and forty dollars and fifty-three cents—total paid out, twelve thousand nine hundred and seventy-seven dollars and ten cents, leaving a balance of one thousand, eight hundred and fifty-eight dollars and seven cents.

The Legislature, at the last session, made an appropriation for rent, for shelving and furniture, and for postage, expressage and contingent expenses, but as we could not use said appropriations until the commencement of the eighteenth fiscal year, it was necessary to pay all such expenses that accrued prior to July first, eighteen hundred and sixty-six, out of the Library Fund, except a portion of the rent for which an appropriation had been made.

The Library Fund consists of the fees paid to the Secretary of State for commissions and for filing certificates of incorporation, and five dollars paid by each member of the Legislature. At the time when many mining companies were being incorporated the Fund was quite large, but from this time the amount of fees collected by the Secretary of State will probably amount to no more than three thousand dollars each year. A greater sum is required for the purchase of books, and the Trustees recommend that the Legislature take such action as will place in the Library Fund an amount sufficient to make our State Library one of the best and most valuable libraries in the United States.

JOHN G. McCULLOUGH,
Attorney-General.

JOS. W. WINANS,
H. W. HARKNESS,
C. G. W. FRENCH,
W. C. BELCHER,
Trustees of the State Library.



R E P O R T

OF THE

State Harbor Commissioners

FOR THE

YEARS 1866 AND 1867.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

To the Honorable FRED'K F. LOW,

Governor of the State of California :

SIR :—In pursuance of the requirements of the statute, the Board of State Harbor Commissioners herewith submit their report for the two years ending November third, eighteen hundred and sixty-seven.

At the date when the preceding report of this Commission was submitted, an advertisement was in course of publication soliciting proposals for leasing a portion of the water front previously set apart for the purposes of a dry dock, under the provisions of section seven of the the Act of March fifth, eighteen hundred and sixty-four, (Statutes of 1863-4, p. 152;) accordingly, upon the seventeenth day of November, eighteen hundred and sixty-five, the day named in the advertisement, the Board proceeded to open the bids. Only one bid was received, being that of A. A. Macpherson, W. H. Hooke, W. J. Adams, C. H. Wetherbee, and W. C. Talbot; the bidders agreeing, should their proposal be accepted, to build a dry dock within thirty (30) months from the acceptance of their bid, of a capacity sufficient to accommodate a vessel of twelve hundred tons burden; and as soon thereafter as the wants of commerce might require, a dock of a capacity sufficient to receive a vessel of four thousand tons burden; to pay a monthly rental of fifty dollars per month for the first thirty months, and from the expiration of said thirty months a monthly rental of one hundred and fifty dollars per month for the balance of the term of the lease.

After mature deliberation, the Board accepted the bid, with the proviso that said bidders should agree to build, first, the larger of the two docks referred to in the bid, and should file with the Board a good and sufficient bond, in the sum of one hundred thousand dollars, for the faithful fulfilment of the requirements of the lease; also, an additional bond, in the sum of fifty thousand dollars, (liquidated damages,) for the completion of the dock within the time named in the bid.

On the fifteenth of December, the bidders having acceded to the terms of the proviso, and having executed and submitted to this Board the required bonds, the Board proceeded to execute the lease.

On the thirteenth day of February of the present year, the lessees under the said dry dock lease presented a communication to the Board,

desiring a modification of their obligation so far as to allow them, the lessees, to build a dock of a capacity less than stipulated in said lease, and for the following reasons :

That since the assumption by the lessees of the obligations named in the lease, other and responsible parties, with ample capital, have commenced the construction of a dock at Hunter's Point, which, when completed, will be of a size sufficient to accommodate vessels of the largest class, and which, from the plan of its construction, being a permanent and substantial structure, excavated into the fixed stone of the Point, affording equal accommodations and greater safety to vessels when docked, and for these latter reasons would divert such a proportion of the docking of large vessels as to reduce the business of the dock required to be built by the lessees so as to result to their loss, while from having to operate a large dock for vessels of a smaller class would require either exorbitant charges or else prove unremunerative ; and the communication of the said lessees having been accompanied and sustained by communications to the same effect from several of the more prominent merchants and ship-owners, requesting said modification, the Commissioners, after consultation with their counsel, and upon due consideration of the matter, did, by resolution, consent to a modification of the said dry dock lease, so as to allow the said lessees to build a dock of the length of two hundred feet, and of a capacity sufficient for docking vessels of fifteen hundred tons burden, custom house measurement. In making this modification, the Commissioners required the sureties to the bond in connection with said lease to agree, by an obligation properly executed, that said modification should in no manner impair their liability upon the bonds ; and the obligation of the lessees to build a dock of the size originally specified in the lease is in no way invalidated or varied on the part of the Board, except in the event of the completion of the Hunter's Point dock.

Upon the termination of said lease the lessees are to surrender the premises leased, with the outer half of the streets of a width of seventy-five feet by the entire length of the frontage granted, substantially built, and in good condition.

On the eleventh day of January, eighteen hundred and sixty-six, the Board contracted with Mr. T. R. Brooks, Civil Engineer, to make further soundings upon a line parallel to, and fifty to sixty feet outside the water front line of eighteen hundred and sixty-four, to ascertain more fully the character of the bottom, its slopes and general surface, the depth of water and mud, and to furnish profiles, etc., for the assistance and convenience of Engineers in making plans and estimates for the contemplated sea wall. This contract was completed together and at the same time with the contract of October, eighteen hundred and sixty-five, (see last report,) on the ninth of March, eighteen hundred and sixty-six, and the report of the said Engineer was printed for the use of parties intending to compete for the premium for the best plan for a sea wall, which premium (one thousand dollars) was offered by this Commission through advertisements published in several of the daily newspapers, in the month of April, eighteen hundred and sixty-six.

Parties submitting plans were requested in said advertisements to affix some mark or cypher in lieu of their names. On the fifth of July following, the time named in the advertisements during which plans would be received having expired, the Commissioners found upon examination that no less than thirty plans had been submitted by various parties for structures differing widely in general design, material, method of con-

struction, and cost. Many of these plans were at once rejected, being so incomplete both in drawing and specifications, as well as palpably erroneous in estimates, as to be unworthy of careful consideration. Others were elaborately designed, with estimates and method of construction detailed fully and with great care. A work so important as the contemplated structure, involving under the most favorable circumstances a large expenditure of money, and intended as a permanent and effectual barrier to the encroachments of the sea upon one side, and as a defense against a vast quantity of mud upon the other, required the exercise of the greatest caution. In the adoption of a plan the Board were also to be governed by the most comprehensive economy, properly considering not alone the actual cost of the work, but also the ability of any plan to meet the conditions to which it would be subjected during the process of and after its construction, and the amount of revenue which would be required and could be devoted to meet the cost.

After the most thorough and systematic examination and re-examination, the plan marked "Y.y" was accepted, on the twentieth of September, eighteen hundred and sixty-six; this plan proved subsequently to have been that of Messrs. W. J. Lewis and G. F. Allardt, Civil Engineers, to whom the premium was awarded and paid. (For a description of the plan adopted, reference is respectfully made to the specifications of the Engineer, hereunto annexed.)

By authority of an act of the Legislature, approved April second, eighteen hundred and sixty-six, (Statutes of 1865-6, pp. 853, 854,) the Commissioners were empowered to lease that portion of the water front upon the south bay, being the frontage of blocks seven and eight, for a term of fifteen years; this also included the privilege, as mentioned in the said Act, of erecting a wharf at the foot of Townsend street; upon the following eighteenth of April, the Board advertised for proposals for leasing the same; upon the thirtieth day of May, as advertised, the Board opened the bid, one only being received, that of the Pacific Mail Steamship Company, and on the sixth of June the bid of said Company was accepted and a lease executed; by the terms of the lease, said Company pay a rental of one thousand two hundred and fifty dollars for each and every month during the period above named, and upon the termination of the lease the improvements, which are to be maintained and surrendered in good order, will revert to the State; as a guaranty for the faithful performance of the obligations of the lessees under said lease, the Commissioners required a satisfactory bond, in the sum of one hundred thousand dollars, (liquidated damages,) which bond was duly executed by said company, and is on file in this office.

The Commissioners, upon the twelfth day of February, eighteen hundred and sixty-six, executed a lease to the Alameda Ferry Company of a portion of the water front on Davis street, between Broadway and Pacific streets, said company having applied to this Board for a landing place, under a clause of section four of an Act of the Legislature, approved March fifth, eighteen hundred and sixty-four, (Statutes 1863-4, p. 140;) this lease is for three years, free of rent, (as specified in the Act referred to,) the ferry company constructing and maintaining all necessary works required for its use; subsequently, the said company having to a very considerable extent transported merchandise and landed the same upon the water front, the Commissioners caused an action to be brought by their attorney against the company, the Board maintaining that ferry companies have no right, under the section of the Act referred to, to land merchandise free of wharfage. For further information as to the

condition of this suit, and the points at issue, we respectfully refer to the report of Mr. Tompkins, special counsel to the Board, which is hereunto annexed.

Upon the nineteenth of November, eighteen hundred and sixty-six, the Commissioners received a communication from the Secretary of the Pacific Rolling Mill Company requesting the appraisement of certain submerged and tide lands for said company, in pursuance of an Act of the Legislature approved April second, eighteen hundred and sixty-six. (Stat. 1865-6, p. 841.) After an examination of the premises, and due consideration, the Board upon the fourth of the following January determined the valuation of the land at three hundred dollars per acre, and communicated their decision to said company.

The Commissioners deeming it for the interests of the State to possess that portion of the water front granted to the Oakland and San Antonio Steam Navigation Company by Act of the Legislature approved April twenty-seventh, eighteen hundred and sixty-three, (Stat. 1863, p. 95,) in the month of December, eighteen hundred and sixty-six, notified said company in the manner directed in section six of said Act, and subsequently appointed Mr. J. Galloway as Commissioner in behalf of the State to appraise the premises.

The company on its part selected as Commissioner Mr. E. W. Burr, and the third Commissioner, Mr. James Dows, was selected by the said Galloway and Burr. On the fourth of June said Commissioners submitted their decision, and appraised the premises referred to at thirty-one thousand dollars, awarding said sum to the company. This amount the Board considered excessive, and declined to pay unless compelled by due process of law. The Commissioners were, however, anxious in behalf of the State to obtain possession of the premises, and finally, as an ultimatum, expressed a willingness to pay the sum of twenty-seven thousand five hundred dollars, which was accepted, and a conveyance of the premises, with all the rights and title of said company therein, submitted to and accepted by this Board, and the amount paid in the manner prescribed by law, on the nineteenth of the same month. Since the above has become the property of the State the net revenue from the same has averaged ——— per month.

The decisions of the Supreme Court in the cases of the People v. the Broadway, Pacific Street, Market Street, and Central Wharf Companies, having been favorable to the State, on the thirteenth of last February the Commissioners entered into the possession of said wharves and commenced the collection of the revenues thereof.

In the settlement of these suits the State received the sum of fifty thousand dollars, (currency,) which was remitted to the State Treasurer and placed to the credit of the Harbor Protection Fund.

On the day following the surrender of said wharves, the Board advertised the same for lease for a term of three years, according to the requirements of the law, and also advertised for proposals for building the outer half of East street, from the northerly line of Market Street Wharf to the southerly line of Clay Street Wharf, seventy-five feet in width. This important improvement was contracted for on the fourth of March and completed in the middle of April, at a cost of thirteen thousand six hundred and twenty-two dollars and eighty-three cents, establishing a safe and convenient landing place and thoroughfare from wharf to wharf upon a portion of the water front where a large amount of business is transacted.

Of the proposals received for the leasing of the wharves, advertised

as above, the only bid accepted was that of the California Steam Navigation Company for Broadway Wharf, at a monthly rental of two thousand dollars per month, the company making all repairs, and upon the expiration of the lease surrendering the structure in good condition; the said lease also provided that said company shall, at their own cost, perform all dredging that may be required in the slips upon each side of the wharf. The obligations of the lessees to the State are secured by a bond in the sum of twenty thousand dollars, signed by responsible sureties.

The amount of money accumulated in the Harbor Protection Fund having reached a sum that would justify the Commissioners in commencing the construction of the sea wall—the prominent idea of the law under which this Commission was established—the Board, as a preparatory step, appointed Mr. W. J. Lewis as Engineer.

Mr. Lewis was one of the designers of the plan adopted by the Board, and from his great experience in the construction of extensive works requiring a high order of engineering talent, was deemed by the Commissioners as particularly qualified for the position.

The law makes no provision for the permanent employment of an Engineer, or the payment of a salary for such service; hence the understanding with Mr. Lewis was this, viz: that the Board appointed him subject to future legislation, which the Commissioners would endeavor to obtain.

The necessity for the employment of an Engineer whose business it shall be to properly specify and direct the work, and to generally superintend the construction of an improvement so important as the proposed sea wall, the Board deem it hardly necessary to discuss. The arrangement with Mr. Lewis was entered into by the Board on the third of May, eighteen hundred and sixty-seven, at a salary of four thousand dollars per annum. The Commissioners respectfully request such legislation as may be necessary to give validity to the arrangement to enable them to pay Mr. Lewis for services rendered, and for authority to permanently employ and pay an Engineer.

In the latter part of June, descriptive plans and specifications having been prepared by the Engineer, the Commissioners advertised for proposals for building three sections of the sea wall; the portions of the water front selected were as follows: First—Front street, from the northerly line of Vallejo street to the northerly line of Union street; second—East street, from the southerly line of Pacific street to the southerly line of Washington street; third—East street, from the southerly line of Market street to the southerly line of Mission street. These sections were advertised with especial reference to the peculiarities of each of the localities above named, and for the purpose of testing, through such bids as might be received, the estimates made by the Engineers in connection with the plan adopted—the Commissioners reserving the right to accept bids for either of the above sections.

On the fifteenth of July, the day specified in the advertisements, the bids received were opened in the presence of the bidders, and on the eighteenth the proposal of Mr. A. H. Houston for building the second section, as above described, was accepted, and the contract executed on the twenty-third of the same month; the price for the section complete is two hundred and six thousand five hundred and fifty-four dollars, or two hundred and seventy-eight dollars per lineal or front foot, being sixty-six dollars and ninety cents per lineal foot less than the estimate of the Engineer, or nearly fifty thousand dollars less than the estimated cost of the entire section.

The bid of the said Houston for the building of section first from Vallejo to Union street, was accepted, and a contract executed on the twenty-third of July, as above, for the construction of the embankment of said section at the price of one hundred and twelve dollars per lineal or front foot. The Board reserved the right to contract (when the amount in the Harbor Protection Fund will admit) with the same party for building the superstructure at the price of one hundred and five dollars per foot, which would make the cost of said section two hundred and seventeen dollars per front foot, complete, or one hundred and forty-one thousand and fifty dollars for the entire section, being eleven dollars and thirty-one cents per foot in excess of the Engineer's estimate.

Responsible bonds were executed, and were given by the contractor in the sum of one hundred and five thousand dollars, for the fulfilment of the first contract, and seventy-five thousand dollars for the second. Work was commenced early in September, and is being vigorously prosecuted.

The accumulation of mud in the slips alongside of many of the wharves has required, as was mentioned in the last annual report, a considerable expenditure for dredging. During the period embraced herein, the Commissioners have expended the sum of fifty-four thousand four hundred and six dollars and fifty cents. This outlay was necessary in order to furnish dockage accommodations for the larger class of vessels at Vallejo, Mission, and Jackson Street Wharves.

Further dredging is required, and the Board have contracted for the deepening of the slips at Vallejo, Pacific, and Market Street Wharves.

By the Act of eighteen hundred and sixty-three the Commissioners are allowed only fifty dollars per month for office rent, which, as the business of the Commission increased, was found entirely inadequate for the procurement of the accommodations required. Accordingly, about the close of the year eighteen hundred and sixty-six, arrangements were made with Mr. Edmund Scott, agent for A. B. McCreary, to furnish an additional room adjoining the office of the Commissioners, for the sum of twenty-five dollars per month, thereby increasing the cost of office rent that amount beyond the allowance provided by law. By the arrangement above noted, Mr. Scott agreed to postpone the presentation of his demand for the additional rent until the Legislature should by necessary enactment authorize its payment, the Commissioners having agreed on their part to request such legislation. We would therefore recommend the passage of an Act authorizing the payment of twenty-five dollars per month from the third day of January, eighteen hundred and sixty-seven, for office room, in addition to the amount now allowed by law.

The increase in the business of the Commission renders it absolutely necessary that additional clerical force should be allowed; at present, in case of the sickness of the Secretary, serious derangement of the business of the office would ensue, causing delay, if not loss, and creating confusion in the accounts.

The leases for various portions of the water front having expired during the months of September and October, the Commissioners, as required by law, advertised the same for lease as provided by the Act, for terms not exceeding three years. The wharves held by the Commission have also been advertised.

The premises known as Folsom Street Wharf, together with a portion of Steuart street, have been leased to the California, Mexico, and Oregon Steamship Company for the sum of one thousand seven hundred and fifty dollars per month, the lessees to make their own repairs, dredge, if

required, at their own expense, and to build so much of the outer half of Steuart street of a width of seventy-five feet by four hundred and seventy feet in length, as is not already built, and at the end of three years return the same to the State in good condition.

A portion of the easterly line of Sansome, and the northerly line of Chestnut streets, to T. Friedlander, for five hundred and forty dollars per month.

A portion of the northerly line of Lombard street, and the easterly line of Battery street, to W. A. Green and A. J. McCabe, for one hundred and fifty dollars per month.

A portion of the northerly line of Greenwich, and of the easterly line of Front streets, to L. B. Edwards and L. P. Sage, for one hundred and forty dollars per month.

The Commissioners have also renewed the ferry lease of Charles Minturn for a portion of the outer half of Davis street, between Vallejo and Broadway Wharves.

The obligations of the lessees to the State are in each case secured by ample and responsible bonds.

The sum expended for repairs demanded by urgent necessity for the two years embraced in this report, is (for details of this expenditure see financial statement;) a further, but very moderate outlay will place all of the wharves and the portions of the water front now built upon in good condition.

The Commissioners estimate the revenue of the next two years as follows: net monthly receipts from November first, eighteen hundred and sixty-seven, to November first, eighteen hundred and sixty-nine, twenty thousand dollars per month; of which sum of two hundred and forty thousand dollars per annum, sixty-six and two thirds per cent. can be remitted to the credit of the Harbor Protection Fund, and the remainder, thirty-three and one third per cent., to the credit of the Wharf and Dock Fund, to be drawn upon to pay for any dredging or wharf improvements that may be required.

Respectfully submitted.

C. L. TAYLOR,
S. S. TILTON,
JAMES LAIDLEY.

FINANCIAL STATEMENT.

R E C E I P T S

From November 4, 1865, to November 4, 1867.

Clay Street Wharf.....	\$80,538 05
Jackson Street Wharf.....	26,085 65
Washington Street Wharf.....	18,606 30
Mission Street Wharf.....	69,973 25
Vallejo Street Wharf.....	72,773 25
North Point Wharf.....	16,253 15
Folsom Street Wharf.....	47,750 00
Howard Street Wharf.....	42,968 22
*Pacific Street Wharf.....	20,010 00
*Broadway Wharf.....	18,000 00
*Commercial Street Wharf.....	7,360 97
*Market Street Wharf.....	18,241 60
East street water front (north of Market st.).....	14,478 55
East street water front (Market to Folsom st.).....	32,912 00
Main street Wharf.....	6,000 00
Front street (portion of).....	1,313 00
Steuart Street.....	3,207 25
Spear and Bryant streets (portion of).....	4,053 75
†Oakland and San Antonio Steam Navigation Company.....	5,538 97
Vallejo street water front (Davis to Front st.).....	6,900 00
Davis Street (portion of water front on).....	240 00
Dry Dock Company.....	1,200 00
Pacific Mail Steamship Company.....	12,500 00
Battery street (portion of).....	150 00
Alameda Ferry Company.....	214 95
†Pacific Street Wharf.....	15,000 00
†Market Street Wharf.....	15,000 00
†Broadway Wharf.....	15,000 00
†Commercial Street Wharf.....	5,000 00
Total revenue from wharves.....	\$527,268 91

* Receipts for eight months since termination of suits.

† This includes the amount of \$3,338 97 collected by the Board since the purchase of the premises on the twenty-ninth of June, eighteen hundred and sixty-seven, since which time it has been known as "La Rue's Wharf."

‡ The items marked thus were received in currency in the settlement of the suits with said companies. (See report of E. Tompkins, Esq., special counsel to Board.)

RECEIPTS—Continued.

Total revenue from wharves brought forward.....		\$527,268 91
PROTEST ACCOUNT.		
Amount of dockage paid under protest and withheld heretofore, to abide events.....	\$3,013 00	
DREDGING ACCOUNT.		
Amount received from Ferry Company, being their proportion of cost of certain dredging.....	1,368 25	
		4,381 25
STATE WHARF AND DOCK FUND.		
Amount drawn by the Commissioners, as per Orders Nos. 19 to 29, inclusive.....		108,414 44
HARBOR PROTECTION FUND.		
Amount drawn by the Commissioners, as per Orders Nos. 1, 2, and 3.....		3,500 00
Total		\$643,564 60

DISBURSEMENTS.

From November 4, 1865, to November 4, 1867.

URGENT REPAIRS.

Clay Street Wharf.....	\$3,037 66	
Jackson Street Wharf	673 35	
Washington Street Wharf	2,516 35	
Mission Street Wharf	17,959 79	
Vallejo Street Wharf.....	4,161 57	
North Point Wharf.....	787 20	
Howard Street Wharf.....	1,109 43	
Pacific Street Wharf	17,604 24	
Commercial Street Wharf.....	1,173 43	
Market Street Wharf.....	9,431 91	
Vallejo street (Davis to Front street)	245 70	
Davis street (portion of).....	88 00	
East street (Market to Clay street).....	550 00	
East street (Jackson to Washington street).....	2,126 96	
East street (Clay to Washington street).....	553 00	
East street (north of Jackson street).....	503 28	
La Rue's Wharf.....	112 60	
Sweeping wharves	3,833 75	
		\$66,468 37

CURRENT EXPENSES OF WHARVES.

Salaries of Wharfinger and Collector, and amount paid for moving shipping in certain cases	42,319 67
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DREDGING ACCOUNT.

Amount paid for dredging, as per sundry con- tracts, at—	
Vallejo Street Wharf.....	\$26,628 50
Mission Street Wharf.....	13,856 00
Jackson Street Wharf.....	5,180 00
Howard Street Wharf.....	5,120 00
North Point Wharf.....	3,584 00
Advertising	38 00
	54,406 50

EXPENSE ACCOUNT.

Rent of office.....	\$1,200 00	
Books and stationery.....	333 10	
Printing	638 00	
Advertising	648 00	
Cleaning office.....	208 85	
Revenue and postage stamps.....	244 77	
Exchange, fuel, wharf brooms, and various items	1,579 98	
		4,852 70
Amount carried forward		\$168,047 24

DISBURSEMENTS—Continued.

Amount brought forward.....	\$168,047 24
LEGAL COUNSEL.	
Amount paid Edward Tompkins, special counsel to the Board	6,000 00
OFFICE APPROPRIATION, ETC:	
Amount paid for additional safe and furniture.....	330 62
SALARY ACCOUNT.	
Amount paid salaries of Commissioners and Sec- retary.....	22,800 00
LEGAL EXPENSES.	
Amount paid expenses in connection with liti- gation	793 00
SEA WALL ACCOUNT.	
Amount paid T. R. Brooks, for making survey soundings and profiles of water front.....	\$2,500 00
Amount paid W. G. Lewis and G. F. Allardt, for plan for sea wall marked "Y. y."	1,000 00
Advertising, tide guage, etc.	373 50
	3,873 50
CONSTRUCTION ACCOUNT.	
Amount paid for building the outer half of East street, from Market to Clay Street Wharves, as per contract.....	\$13,622 83
Amount paid for the Oakland and San Antonio Steam Navigation Company's wharf and land- ing, as per appraisalment.....	27,500 00
	41,122 83
STATE WHARF AND DOCK FUND.	
Amount remitted State Treasurer	118,207 62
HARBOR PROTECTION FUND.	
Amount remitted State Treasurer.....	282,389 79
Total	\$643,564 60

DR.

STATE WHARF AND DOCK FUND.

<i>Amount remitted by Commissioners :</i>	
May 2, 1866.....	\$11,649 40
June 2, 1866.....	10,848 00
August 2, 1866.....	11,112 44
February 2, 1867.....	13,161 40
March 2, 1867.....	9,207 36
June 4, 1867.....	19,037 26
August 2, 1867.....	20,993 99
September 4, 1867.....	22,197 77
	<hr/>
	\$118,207 62
Balance in fund, November 3, 1865.....	29,590 02
	<hr/>
	\$147,797 64

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SAN FRANCISCO HARBOR PROTECTION FUND.

<i>Amount remitted by Commissioners :</i>	
December 2, 1865.....	\$11,519 77
January 3, 1866.....	11,951 89
February 2, 1866.....	9,462 06
March 2, 1866.....	11,336 46
April 3, 1866.....	11,856 41
July 3, 1866.....	11,507 38
September 4, 1866.....	9,414 75
October 2, 1866.....	10,027 06
November 2, 1866.....	11,338 34
December 3, 1866.....	11,163 65
January 4, 1867.....	11,139 73
February 28, 1867 (currency).....	35,000 00
April 4, 1867.....	19,415 76
May 3, 1867.....	20,939 06
May 24, 1867 (currency).....	15,000 00
July 2, 1867.....	16,229 26
October 3, 1867.....	26,928 29
November 3, 1867.....	28,150 92
	<hr/>
	\$282,389 79
Balance in fund, November 3, 1865.....	55,657 76
	<hr/>
	\$338,047 55

STATE WHARF AND DOCK FUND.

CR.

Amount of Commissioners' orders, as follows :

April 28, 1866—No. 19, in favor of Minturn & Hartshorne...	\$13,682 50
May 9, 1866—No. 20, in favor of Minturn & Hartshorne...	13,856 00
Sept. 7, 1866—No. 21, in favor of Minturn & Hartshorne...	12,946 00
Sept. 7, 1866—No. 22, in favor of Minturn & Hartshorne...	3,584 00
Dec. 31, 1866—No. 23, in favor of Charles Minturn.....	2,268 25
Jan. 23, 1867—No. 24, in favor of B. M. Hartshorne.....	5,120 00
Jan. 24, 1867—No. 25, in favor of Charles Minturn... ..	2,911 75
April 25, 1867—No. 26, in favor of Galloway & Boobar.....	13,622 83
June 29, 1867—No. 27, in favor of J. B. La Rue.....	27,500 00
Aug. 7, 1867—No. 28, in favor of Blythe & Wetherbee.....	5,807 19
Aug. 8, 1867—No. 29, in favor of Galloway & Boobar.....	7,115 92
	<hr/>
Balance in fund, November 3, 1867.....	\$108,414 44
	39,383 20
	<hr/>
	\$147,797 64

SAN FRANCISCO HARBOR PROTECTION FUND.

CR.

Amount of Commissioners' orders, as follows :

March 9, 1866—No. 1, in favor of T. R. Brooks.....	\$2,000 00
April 25, 1866—No. 2, in favor of T. R. Brooks.....	500 00
Sept. 27, 1866—No. 3, in favor of Lewis & Allardt.....	1,000 00
	<hr/>
	\$3,500 00
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Balance in fund, November 3, 1866.....	334,547 55
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	\$338,047 55

FIRST ANNUAL REPORT
OF THE
ENGINEER OF SEA WALL
ON THE
WATER FRONT OF SAN FRANCISCO.

1866.

REPORT.

To the Hons.

C. L. TAYLOR, S. S. TILTON, and JAMES LAIDLEY,
State Harbor Commissioners :

GENTLEMEN:—At a meeting of your Board, held on the third of May last, you were pleased to appoint me Superintending and Constructing Engineer of the proposed sea wall along the water front of the City of San Francisco. A few days subsequent to my appointment, I was directed by your Board to make the necessary working drawings and specifications in accordance with the plan adopted by you, with a view to advertising for bids for the construction of the work.

Under these instructions I prepared general specifications for the whole work, and additional specifications in relation to the sections first proposed to be advertised. I also made detailed working plans and profiles, showing the location and character of the work to be done. These specifications and drawings were submitted for your approval, and after such approval, the specifications were ordered printed for the guidance of bidders. Immediately thereafter sealed proposals were solicited by public advertisement, to be received until the fifteenth of July, for the following sections, viz :

1st. *Front street*, from the northern line of Union street to the northern line of Vallejo street; length, six hundred and fifty feet.

2d. *East street*, from the southern line of Pacific street to the southern line of Washington street; length, seven hundred and forty-three feet.

3d. *East street*, from the southern line of Market street to the southern line of Mission street; length, six hundred and thirty-two and one half feet.

The average depth below mean low water to solid foundation, as determined by Mr. Brooks' soundings, is, on the first section, thirty-five feet; on the second, fifty-six feet; and on the third, sixty-eight feet.

In consequence of the difference of depths, the amount of rock and earth embankment per lineal foot is much greater on the second section than on the first, and on the third than on the second.

On the day specified in the advertisement, the bids received were opened in the presence of the bidders. On the eighteenth of July, the proposition of A. H. Houston (being the lowest,) for building the second section, was accepted, and the contract signed on the twenty-third of

the same month. Under this contract, Mr. Houston agrees to complete said section, in accordance with the plans and specifications, for the sum of two hundred and six thousand five hundred and fifty-four dollars, or at the rate of two hundred and seventy-eight dollars per lineal foot. On the same day a contract was executed with Mr. Houston for the construction of the embankment of the first section. He agrees to complete the dredging, foundation, embankment, and all of said work, except the concrete, masonry, and rip-rap wall, within seven months from that date; and that as soon after the completion thereof as he shall be notified by the Board, he shall proceed with the building of the residue of said work, and complete the same within six months of the time of receiving said notice. The price to be paid for the first portion of said work is seventy-two thousand eight hundred dollars, and for the section portion, sixty-eight thousand two hundred and fifty dollars; making the total contract price for the first section, one hundred and forty-one thousand and fifty dollars, or two hundred and seventeen dollars per lineal foot.

By the terms of the contracts for both sections, the Engineer is required to estimate the amount of work done every sixty days, and seventy-five per cent. of the value thereof is paid to the contractor, the remaining twenty-five per cent. being retained until the entire work is completed and accepted by the Board.

A reference to the estimates I have furnished you will show that although the contract price for the first section slightly exceeds the estimate, the aggregate price for the first and second sections is considerably below it. It will also be seen that bids were received from responsible parties for building the third section for a less amount than I have estimated. Work was commenced on the first section in the early part of September, and has been vigorously prosecuted to date.

As sixty days from the time of commencing work have not expired, no estimate has yet been made, and no money paid on account of contract.

In the progress of the work thus far, nothing has occurred to lessen my confidence in the practicability of the plan adopted by you.

Yours, very respectfully,

WM. J. LEWIS,
Superintendent and Constructing Engineer.

SAN FRANCISCO, November 1st, 1867.

REPORT OF EDWARD TOMPKINS,

Special Counsel.

REPORT.

SAN FRANCISCO, November 1st, 1867.

TO THE BOARD OF STATE HARBOR COMMISSIONERS:—

At the date of my last Report the following suits were pending and undetermined:

1. The People v. The Broadway Wharf Company.
2. The People v. The Pacific Wharf Company.
3. The People v. The Claimants of the Market Street Wharf.
4. The People v. The Central Wharf Company.
5. The People v. John G. Klumpke, and others.
6. The Broadway and Pacific Wharf Company v. George Goss, and the members of the Board of State Harbor Commissioners, individually.

Since that time the following suits have been commenced:

7. The People v. The Steamer "America."
8. The People v. The "Moses Taylor."
9. George T. Marye v. Joseph Galloway, and others.
10. The People v. The San Francisco and Alameda Railroad Company,

The above ten cases are all upon which I have now to report.

At the time my last report was made, "the wharf cases" (No. 1 to 4, inclusive) were in the Supreme Court awaiting argument. They were subsequently argued orally and upon briefs; and after a most thorough and careful examination by the Court, the judgments of the District Courts were in all things affirmed, and the title of the State to the contested wharves fully established.

The question of damages for the detention of the wharves then became important, and was the subject of much negotiation with the parties representing the several defendants. As possession of the wharves could not be obtained until the litigation was ended, it was manifestly for the interest of the State that the most speedy adjustment possible

should be made. The damages, when recovered, would be payable in currency, while the revenues withheld would be paid in gold. During the litigation it would be for the interest of the defendants to use the wharves as much as possible, and to expend no money for repairs. They would thus when finally recovered be in so dilapidated a condition as to be of little or no value to the State until rebuilt. The interference with the carrying out of the system for the control of the water front, from having four of the principal wharves in the hands of competing parties, was so great as to be a very strong argument in favor of the speediest settlement possible. Four powerful companies, defended by as many of the ablest lawyers in the State, could protract the litigations many months; and as by law they were allowed to set off the value of the wharves they had built against the damages claimed, it was at least possible that they would be able to persuade a jury that in losing the wharves they were sufficiently punished for having intruded upon the property of the State. Such has been the result in other cases; and in view of all the facts stated it was not doubtful what course should be pursued. When, therefore, an offer of the immediate surrender of the four wharves, and the payment of fifty thousand dollars damages, in currency, was received, and it was apparent that no better settlement could be made, the proposition was accepted. The wharves passed at once under the control of the Board, and the damages were paid. The receipt of sixty-three thousand six hundred and twelve dollars, in gold, from the four wharves since that time (eight months,) has conclusively demonstrated the wisdom of the settlement.

It is a subject of just congratulation that you have thus been able to recover for the State property wrongfully withheld that now pays over one hundred thousand dollars a year, and that, measured by the income it produces, is of the value of at least one million of dollars.

The suit of the People v. Klumpke, and others, (No. 5,) was brought to recover possession of the water front between Jackson and Pacific streets. Since my last report it has been tried in the Fourth District Court, and a verdict and judgment obtained against the defendants. A motion for a new trial has been denied, and they have now appealed to the Supreme Court. It will undoubtedly be disposed of at the next term, and I have as yet seen no reason to doubt that the judgment will be affirmed. If I am not disappointed in this expectation, the result will place the Commissioners in the possession of the entire water front, will end the various litigations in relation to it without a suit having been lost, and will vindicate the wisdom of the Legislature by which the present system was adopted.

The action brought by the Broadway and Pacific Wharf Companies against George Goss and others, (No. 6,) was instituted to restrain the Oakland Ferry Company from taking a lease from the Commissioners for a portion of the slip between Pacific and Broadway streets. The Twelfth District Court having dissolved the injunction and decided in favor of the defendants, the suit was adjusted between the plaintiffs and ferry company, and finally dismissed.

Cases numbers seven and eight were brought against the steamers America and Moses Taylor, to recover wharfage due and unpaid by them. Their owners not residing within the State, the actions were commenced directly against the vessels, under the provisions of the statute of this State authorizing proceedings in that form. Judgments were obtained in each case in the District Court against the defendants, and they have appealed to the Supreme Court. The cases were argued and submitted

at the last April term, but have not yet been decided. The only defence relied upon is the unconstitutionality of the Act of the Legislature under which the suits were brought. Its constitutionality has been repeatedly affirmed by the Supreme Court, but after the appeals were taken in these cases, a decision was made by the Supreme Court of the United States, at Washington, that it is claimed overrules the decisions heretofore made by our own Courts. If this be so, it is yet claimed that the defendants have failed to present to the Court any of the facts necessary to make the decision applicable to their several cases. It is expected that decisions will be had at the next term of the Supreme Court.

Case number nine is of no interest to the Commissioners except as it involved the title to a portion of the water front between Market and Clay streets. The Board having contracted with Galloway & Boobar for the widening of East street, as required by law, and the contractors having commenced their work, George T. Marye commenced this action against them, alleging that he was the owner of the premises, and obtained an injunction forbidding the contractors from further prosecuting their work. As the time within which they were to complete it was limited by their contract, and would have expired long before a trial could be had, the contractors were compelled to abandon their contract. As the Commissioners were not parties to the suit nor enjoined thereby, and the public interest required that the work should be done, they proceeded without delay and were allowed to complete it without further interruption. The suit was reached in its regular order the last week in October, and was then dismissed by the plaintiff.

The suit of the People v. the San Francisco and Alameda Railroad Company (No. 10) was brought to recover from the defendants the wharfage upon freight over their railroad, landed by them upon the wharf in this city. Its payment was resisted by them upon the ground that the Commissioners had granted to the Alameda Ferry Company the privilege of using a portion of the slip between Broadway and Pacific streets, "for the purpose of ferriage only," without charge therefor, as they were required by law to do. Under this privilege it was claimed that the Alameda Railroad Company had the right to bring all the freight of Alameda County, if they could get it, and because they used the ferry boat to land it upon the wharf, and hence have an exemption from the charge upon it, that all other common carriers were required to pay. The same rule would give the Pacific Railroad Company, when completed, the same exemption; and it was so manifestly unjust and so unfair to shippers of produce from all other parts of the State, that the Commissioners insisted upon the payment of wharfage, and a case was made and submitted to the Fourth District Court. Judgment was rendered in favor of the Commissioners, and the railroad company have appealed to the Supreme Court. It is expected that it will be decided at the next term. I cannot doubt but that the judgment will be affirmed.

The foregoing comprises all the business now in my hands, and is respectfully submitted.

EDWARD TOMPKINS,
Special Counsel



SPECIFICATIONS
FOR
BUILDING THE SEA WALL
ALONG THE
WATER FRONT OF SAN FRANCISCO.

SPECIFICATIONS.

GENERAL DESCRIPTION.

A pit or channel sixty feet wide at the bottom, at a level of twenty feet below mean low tide, is excavated, and in this channel is placed the foundation of the sea wall, consisting of a rock embankment thirteen feet in width on top at the level of mean low tide. The outer extremity of the excavation corresponds with the city front, and consequently at this point the slope of the rock embankment is twenty feet below mean low water. The stones are thrown *pellmell* into the bay, beginning on the centre line of the embankment, and are allowed to settle until they reach a firm foundation.

When it is ascertained that the settling has ceased, a body of concrete, two feet in thickness and ten feet in width, is laid upon the embankment, and upon this concrete is constructed a wall of solid masonry.

This wall is seven feet and three inches in width at the bottom, and nine feet eight inches in height. It is vertical on the land side, and on the harbor side has a batter of two inches to the foot for seven feet and eight inches, where there is an offset of two feet, forming a recess designed to receive the ends of the timbers of the wharf. From this offset the wall is carried up vertically two feet, making it four feet in width on the top.

The top of the wall is four inches below the official grade of the city, and the face of the wall at the top is forty feet distant from the line of the water front.

A sewer is designed to pass through the middle of every street intersected by the sea wall. Through the wall a brick sewer with granite facings must be constructed, and through the earth embankment, from the termination of the brick sewer to its outer slope, a timber sewer. The form and dimensions of the sewers will correspond with those used by the city in the respective streets.

The face of the embankment on the harbor side is protected by a *rip-rap* wall, no stone in which shall weigh less than five hundred pounds.

The back of the sea wall is forty-four feet distant from the line of the water front, leaving thirty-one feet to the middle of the street. This space back of the wall is to be filled in with earth embankment, the inner side having a slope of one and a half horizontal to one vertical.

REMOVAL OF OBSTRUCTIONS.

All wharves, piles, or other obstructions within the limits of the proposed work must be removed by the contractor, and all plank, squared timber, or other valuable material found within said limits, shall be deposited by him in such place as shall be designated by the Engineer, which place shall be as convenient to the work as practicable.

DREDGING.

The dredging must extend to a depth of twenty feet below mean low tide, or thirty-two feet below the official grade of the street. The bottom of the excavation is sixty feet in width, the outer extremity of the base corresponding with the city front; and the slopes must be such as shall be necessary for the adjacent earth to retain its position until the rock embankment is deposited, and any filling up prior thereto must be dredged out, and the channel kept clear to the depth required.

The dredging must not be carried more than one hundred feet in advance of the rock embankment, and any broken piles or other deposits found within the limits of the space to be dredged must be removed by the contractor, so that at the bottom of the excavation there shall be a homogeneous material. The earth taken from the excavation must not be deposited nearer to the water front than one thousand yards.

ROCK EMBANKMENT.

The top of the rock embankment will, at first, be at an elevation of seven feet above mean low tide, or five feet below the official grade, and will be seventeen feet in width. At a depth of twenty feet below mean low tide the rock will occupy the full width of sixty feet excavated by dredging. The rock first deposited will sink below the bottom of the pit excavated by dredging, and after it has been filled in to that level the embankment will be carried up to the top on a slope of one to one on the harbor side, and on a slope of six tenths to one on the city side. Should the rock be deposited by boats or scows, the central part must first be filled in.

In the formation of the rock embankment no earth shall be used, nor any stone subject to decomposition by exposure to air or water. Uniformity of size is not demanded; stone as generally quarried and readily handled answering all requirements.

The larger stone shall be deposited on the outer or sea slope of the embankment. The sea slope, from the bottom up to nine feet below low water mark, for a width of four feet, shall contain no stone of less weight than twenty pounds; and from said nine feet to the upper surface, no stone less than one hundred pounds in weight.

The rock embankment shall be allowed to settle until, in the opinion of the Engineer, it shall have reached a permanent foundation. The time required for settling depends upon the character of the earth below the rock, but under any circumstances must be several months.

EARTH EMBANKMENT.

After the rock embankment has been made, the earth embankment in the rear may be filled in to the same level. The top of the earth embankment, when completed, will be on a level with the official grade of the

street, and extends thirty-one feet from the back of the sea wall, or to a line seventy-five feet distant from the city front. The embankment on the inner side has a slope of one and a half horizontal to one vertical.

THE CONCRETE FOUNDATION.

The concrete foundation, ten feet in width and two feet in depth, as shown in the drawings, must next be built.

The concrete shall be made from clean broken stone, sharp clean sand, and either Benicia or Rosendale cement. Benicia cement is preferred on account of setting more speedily. The cement must be fresh ground, and every lot must be approved by the Engineer before using.

The stone shall be broken so as to pass through a ring three inches in diameter. The cement mortar, composed of two parts of cement to three parts of sand, shall first be thoroughly mixed, and then carefully mixed with the broken stone in the proportion of one of mortar to two of stone, or in such other proportions as the Engineer, upon experiment, shall determine. It shall be carefully laid and well rammed, and shall be protected on the sides by planking, which shall not be removed until the concrete has thoroughly set.

THE WALL.

The wall shall be of the form and dimensions shown in the accompanying drawings, and shall be of the best quality of first class masonry. It shall be built in regular courses of the following thickness, beginning at the bottom, namely: twenty, nineteen, nineteen, eighteen, and sixteen inches, to the offset of two feet, above which there are two courses of twelve inches each, making in all nine feet and eight inches in height.

The front shall consist of Folsom or State Capitol granite, shall be laid with alternate stretchers and headers, and each course shall break joint with the course below it. No header shall be less than five feet in length. The stretchers in the three lower courses shall not be less than two feet, and in the remaining courses not less than eighteen inches in width.

The masonry must have hammer-dressed beds and joints, and the vertical joints must be dressed back twelve inches from the face, with a bevel of one inch to secure the stone from displacement by the action of the waves. The mortar joints on the face not to exceed one fourth of an inch in thickness; the face of the wall not to be hammer-dressed, but to present a rock face, except along the joints, which shall be dressed with a draft on each stone of three fourths of an inch in width.

The stone must be dressed before laying, and must not be moved after being placed in the wall.

The bench of two feet in width, and the top of the wall, must be hammer-dressed to a uniform surface; the upper course or coping shall be of granite for the whole width of four feet, and the stone must be so placed as to show on the top of the wall no joint more than one fourth of an inch in width.

The rear of the wall may be constructed of other first class stone, to be approved by the Engineer and Board of Harbor Commissioners. The stone must be laid on horizontal beds, and the front and back of the wall carried up simultaneously; to be well bonded together, and every course

must be thoroughly grouted. The whole masonry must be laid in the best quality of hydraulic mortar, composed of three parts of sand to two parts of Benicia cement, or cement of first quality, to be approved by the Engineer, and all the joints on the face must be pointed with a cement of proper consistency.

THE PROTECTION WALL.

The action of the waves will form the face of the rock embankment approximately, as represented in the drawings. If the embankment should be washed away to a steeper inclination, it must be replaced before building the protection wall. If it shall not have settled or washed away down to the line represented, the surplus material must be removed.

As soon as any portion of the granite wall is built, the corresponding portion of the protection or *rip-rap* wall in front of it must be constructed in the form represented in the accompanying drawings. The wall will be three feet in average thickness; the upper surface will have an inclination of one vertical to three horizontal, and must, at its lower end, be at least seven feet below mean low tide. At its junction with the granite wall, the upper surface must be at least four feet above mean low tide.

It shall be constructed of hard rock, not liable to be broken or decomposed by the action of the waves, to be approved by the Engineer and Harbor Commissioners, and no stone shall weigh less than five hundred pounds.

The stones shall be lowered to their proper position by means of derricks, their ends facing the prevalent waves, and shall be well wedged together.

SEWERS.

Sewers three feet wide and five feet high of the clear, in the egg-shape form used by the city, will be constructed through the wall at the intersection of the middle of each street. Where the contour of the sewer intersects the face of the wall, there shall be built a suitable arch of granite stones, to conform to the shape of the sewer, and the joints of the arch shall be radial to the curvature of the sewer. The ring-stones (or arch stones) to extend back from the wall eighteen inches and thirty-six inches alternately. The outside of the ring to be cut to horizontal and vertical joints, and the adjoining masonry must be well bonded to the archstones, and present, when finished, a regular and artistic appearance. The masonry of the interior of the sewer will be laid with well burned brick and hydraulic mortar, and shall conform in all respects to the manner of building sewers adopted by the city authorities. When the brick work of the sewer is completed, it must be covered on top with a coating of cement mortar at least two inches in thickness.

From the inside of the wall or termination of the brick sewer, a timber sewer of a rectangular form, three feet wide and five feet high in the clear, shall be constructed, extending to the outer slope of the earth embankment, or forty-six feet from the back of the wall. The timber used in the construction shall be of the best redwood, and of the dimensions required by the city authorities in the construction of similar sewers.

ADDITIONAL SPECIFICATIONS

For sections advertised for contract July 15th, 1867.

The length of the section stated in the advertisement is the exact length of the wall of masonry designed to be constructed in that locality.

To give stability to the foundation, the rock embankment must extend beyond the end of the wall, and the dredged channel must be continued to the full width and depth thirty-five feet beyond the wall.

The rock embankment will then be filled in, at first to the same height as the adjoining embankment, (one foot above high tide,) the foot of the slope extending to the termination of the bottom of the dredging, and the top being nine feet from the end of the wall.

The embankment will be allowed to settle, and, if necessary, heavy stones will be placed upon it to protect it from being washed away before the adjacent section is constructed.

A deposit of stone four feet in thickness must also be placed along the slope of the earth embankment at its termination, to prevent its displacement by the water. These requirements apply to the termini of all the walls in the sections proposed to be placed under contract, except the end of the wall near Vallejo street.

At this point it will be observed that there is a right angle in the course of the sea wall. The end of the wall will be a continuation of the back of the wall of the adjoining section, which is parallel to Vallejo street.

The dredged channel must be continued to the full width and depth sixteen feet from the end of the wall, and the stone and earth embankment filled in to the centre line of the water front on both Front and Vallejo streets. The culverts on the sections advertised will all be three feet in width and five feet high in the clear.

The cost of constructing the brick culverts through the masonry must be included in the contract price for the masonry, and of the framed culverts through the earth embankments, in the contract price for embankment. When bids are made for the entire work per foot lineal, the absolute amount to be paid on the contract will be the price per lineal foot multiplied by the number of feet in length of the wall of masonry, which corresponds for the several sections with the lengths stated in the advertisement. This amount must be considered to include full compensation for the dredging and embankment required beyond the termini of the wall, as described in the preceding specifications, and of all work and materials required for the completion and security of the work proposed to be constructed.

The plans and drawings herein referred to may be seen at the office of William J. Lewis, Engineer, number three hundred and two Montgomery street, room five, fourth story, directly over the office of the Harbor Commissioners.

REPORT OF THADDEUS R. BROOKS,

Civil Engineer.

R E P O R T .

SAN FRANCISCO, March 8th, 1866.

TO THE HON. BOARD OF STATE HARBOR COMMISSIONERS :

GENTLEMEN :—I had the honor of receiving at your hands the appointment as Engineer for making a survey of the water front of this city, extending from the north line of Harrison street to the south line of Chestnut street, indicating the depths (in feet) of water and mud. The surveys, maps, and profiles having been completed, I beg respectfully to make the following report :

The time designated in the contract for the commencement of this work was the fifteenth day of November last ; and on that day I commenced with some experiments to determine the most effectual method of making the soundings. In the surveys of this character which I had previously made, I used a sounding rod of gas pipe, three quarters of an inch in diameter ; but the great depth of mud along the water front rendered this apparatus entirely inadequate for the purpose. I then decided upon using pipe of one and a half inches in diameter, with a pair of scows and a pile driver, with leaders thirty-five feet long, and a hammer weighing fifteen hundred pounds. An experiment tried with this apparatus before finally commencing work, proved entirely satisfactory ; and on the twenty-seventh day of November last, the survey was commenced and steadily prosecuted to its completion. A great deal of delay was necessarily met with, as in even ordinary rough weather no soundings could be taken. The scows were obliged to be firmly anchored or secured to the wharves, before it was safe to commence work. It was tedious and vexatious in very many cases ; and to facilitate the work, I employed Mr. Thomas D. Parkinson, a Civil Engineer, as my assistant, whose skill, perseverance, and good judgment, were at all times manifested.

The soundings of the depth of water and mud are taken upon the inner, centre, and outer lines of the water front, each seventy-five feet apart, and also on a line distant about sixty feet from the outer line of the front, which is denominated the "slope line." Specimens of the bottom are also submitted for your examination, each one being lettered, and the point where it was obtained indicated on the profiles. A great deal of difficulty was experienced in getting to some of the points where

it was proposed to take soundings, and some could not be reached on account of the great number of vessels lying about the wharves; but it is confidently believed that a sufficient number have been taken to clearly and unmistakably indicate the depths of water and mud and the character of the bottom.

As will be seen by reference to the profiles, rock presents itself under the mud near the southern termination of the survey at Harrison street, and also at the northern termination near Chestnut street. The intermediate distance presents clay and sand; in some cases, the former, pure blue, and in others, a mixture of both; in either case of so tough a character as to demonstrate very conclusively its entire adaptation for a permanent foundation. The sounding rod was driven in every case to such a depth as to sustain a steady weight of nearly thirty-four tons.

A map of cross sections is also submitted, which indicates the soundings transversely with the water front. The depths of water on the four different lines, have reference to "mean low tide," as established by the United States Government Engineers, at the dock at Fort Point. To facilitate this work, and as useful in indicating the condition of the tides in the bay, I established a similar tide gauge to that of the Government, at the foot of the boat stairs at the intersection of the water front line and the south line of the Jackson street wharf.

The accompanying table exhibits the stations, depth of water, depth of mud, (in feet,) and the character of the bottom along the four lines of soundings.

I have not considered myself called upon at this time to discuss the character of the sea wall or water front improvement. but deem it not out of place to again express the clear conviction in my own mind, of the perfect adaptation of the bottom of the bay, where soundings have been taken, for a permanent foundation for the proposed protection of the water front.

Very respectfully,

Your obedient servant,

THADDEUS R. BROOKS,
Civil Engineer.

TABLE OF SOUNDINGS.

LOCATION.	INSIDE LINE.			LOCATION.	CENTRE LINE.		
	Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom		Depth of Water, in feet.....	Depth of Mud, in feet.....	Condition of the Bottom
Harrison street	11	11	Rock.	Harrison street.....	18	23	Clay.
375 feet north	1	32	Rock.	125 feet north	13	19	Rock.
Folsom street.....	3	60	Sand.	250 feet north.....	3	39	Rock.
Centre L Steuart street...	3	60	.....	375 feet north.....	1	42	Rock.
East street.....	1	71	Sand.	Centre of Folsom street.	3	60	Sand.
McPherson's Wharf.....	1	69	Sand.	110 feet east.....	6	73	Clay.
Howard street.....	1	65	Sand.	Centre of East street	2	68	Sand.
225 feet north	1	66	Clay.	McPherson's Wharf.....	1	68	Clay.
Mission street	1	70	Clay.	160 feet north.....	1	71	Clay.
Market street.....	1	74	Clay.	North line Howard st ...	1	60	Clay.
Clay street.....	1	69	Clay.	100 feet north... ..	1	66	Clay.
Merchant street.....	1	64	Sand.	227 feet north	1	69	Clay.
Washington street	1	50	Sand.	300 feet north.....	2	68	Clay.
Jackson street.....	1	48	Clay.	South line Mission street	2	70	Clay.
180 feet north	2	62	Clay.	North line Mission street	1	71	Clay.
Pacific street.....	3	60	.....	150 feet north.	2	69	Clay.
West line Drumm street..	1	49	Sand.	275 feet north.....	1	71	Clay.
Davis street.....	2	61	Clay.	450 feet north.....	2	72	Clay.
Broadway street.....	1	60	Clay.	South line Market street	1	61	Clay.
Vallejo street.....	4	25	Sand.	North line Market street	1	74	Clay.
145 feet west	1	39	Sand.	Commercial Wharf.....	3	56	Clay.
Graded to 140 feet north of Green street.....				Clay Street Wharf	3	66	Clay.
Union street.....	2	36	Sand.	150 feet north	1	50	Clay.
Filbert street.....	3	34	Sand.	Washington St. Wharf...	2	49	Sand.
Greenwich street.....	20	19	Sand.	100 feet north.....	1	51	Sand.
Battery street.....	4	31	Sand.	225 feet north.....	1	51	Sand.
North line Greenwich st..	8	27	Sand.	350 feet north.....	2	69	Sand.
Lombard street.....	12	20	Clay.	Jackson street.....	2	70	Sand.
104 feet north.....	3	32	Sand.	213 feet north.....	2	63	Clay.
Graded to Chestnut street.				Centre of Pacific street..	4	53	.....
				75 feet west.....	6	59	Clay.
				West line Drumm street.	4	17	Sand.
				100 feet west.....	2	55	Clay.
				Centre Davis street.....		66	Sand.
				75 feet north	1	64	Sand.
				194 feet north.....	2	59	Clay.
				North line Broadway....	3	20	Sand.
				South line Vallejo street	6	21	Sand.
				Centre Vallejo street....	4	21	Sand.
				134 feet west.....	4	39	Clay.
				East line Front street....	1	22	.....
				Centre Front street.....		10	.....
				North line Vallejo street	2	11	Rock.
				131 feet north.....	3	18	Rock.
				North line Green street..	2	17	Rock.
				171 feet north.	3	34	Sand.
				North line Union street..	4	43	Sand.
				171 feet north	5	35	Clay.
				North line Filbert street..	11	28	Sand.
				175 feet north	21	18	Sand.
				Centre Greenwich street.	28	11	Sand.

TABLE OF SOUNDINGS—Continued.

LOCATION.	CENTRE LINE.		
	Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom.....
171 feet north	18	20	Sand.
Centre Battery street....	8	27	Sand.
171 feet north.....	11	26	Clay.
Centre Lombard street...	34	4	Sand.
171 feet west	4	32	Sand.
Centre Sansome street...	2	31	Sand.
134 feet north	4	9	Rock.
S. line Chestnut street...	21	12	Rock.

LOCATION.	FRONT LINE.			LOCATION.	SLOPE LINE.		
	Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom.....		Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom.....
Harrison street.....	32	24	Clay.	Harrison street	33	25	Clay.
125 feet north	10	38	Rock.	125 feet north	19	37	Sand.
250 feet north	10	42	Sand.	250 feet north	5	58	Clay.
375 feet north.....	10	45	Clay.	Folsom street.....	2	63	Sand.
South line Folsom street..	7	57	Clay.	East street.....	31	39	Clay.
110 feet east.....	5	70	Clay.	150 feet north	13	57	Sand.
East line East street.....	10	48	Sand.	284 feet north	15	53	Clay.
North line Folsom street..	10	64	Sand.	418 feet north.....	14	56	Sand.
125 feet north.....	10	66	Sand.	McPherson's Wharf....	4	69	Sand.
250 feet north	6	65	Clay.	156 feet north	4	66	Clay.
344 feet north	5	67	Clay.	North line Howard street	2	66	Clay.
500 feet north	5	76	Sand.	103 feet north	3	62	Clay.
North line Howard street.	3	62	Clay.	230 feet north	3	57	Clay.
100 feet north.....	.....	61	Clay.	350 feet north	4	63	Clay.
230 feet north.....	3	75	Clay.	South line Mission street	2	61	Clay.
350 feet north	1	60	Clay.	North line Mission street	2	72	Sand.
450 feet north	1	70	Sand.	150 feet north	3	68	Clay.
Mission street	2	60	Clay.	275 feet north	2	58	Clay.
North line Mission street.	2	71	Sand.	380 feet north	1	71	Clay.
100 feet north	1	66	Clay.	South line Market street	1	61	Clay.
200 feet north.....	2	69	.....	North line Market street	2	58	Clay.
300 feet north	2	75	Sand.	Commercial Wharf.....	4	55	Clay.
450 feet north	2	61	Clay.	Clay Street Wharf	3	51	Sand.
South line Market street..	2	46	Sand.	150 feet north.....	2	52	Sand.
North line Market street..	2	64	Clay.	300 feet north	2	49	Sand.
Commercial Wharf.....	3	60	Clay.	Jackson Street Wharf...	3	49	Sand.
Clay Street Wharf	2	70	Clay.	176 feet N. Jackson street	3	45	Clay.
150 feet north	3	56	Clay.	Centre Pacific street.....	6	49	Clay.
Washington Street Wharf	2	49	Clay.	135 feet north.....	7	48	Clay.
150 feet north	3	49	Sand.	West line East street....	5	48	Sand.
Jackson Street Wharf.....	3	49	Sand.	West line Drumm street.	2	59	Clay.

TABLE OF SOUNDINGS—Continued.

LOCATION.	FRONT LINE.			LOCATION.	SLOPE LINE.		
	Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom		Depth of Water, in feet.....	Depth of Mud, in feet.....	Character of the Bottom
134 feet north.....	2	58	Sand.	134 feet west	2	45	Sand.
266 feet north	3	48	Clay.	59 feet north	3	55	Sand.
Centre Pacific street.....	6	48	Clay.	North line Broadway....	5	53	Clay.
North line Pacific street..	6	47	.....	137.50 feet north..	6	51	Clay.
West line East street.....	5	47	Clay.	South line Vallejo street.	6	47	Clay.
West line Drumm street..	5	58	Clay.	210 feet north	3	43	Sand.
100 feet west	5	18	Sand.	West line Davis street...	2	38	Clay.
East line Davis street	3	59	Sand.	134 feet west	3	38	Sand.
119 feet north	2	57	.....	North line Green street..	2	45	Sand.
North line Broadway	4	24	Sand.	171 feet north.....	4	43	Sand.
137.50 feet north.....	5	23	Sand.	North line Union street.	5	38	Sand.
South line Vallejo street..	8	22	Sand.	171 feet north.....	9	32	Sand.
150 feet north.....	4	42	Sand.	North line Filbert street.	23	17	Sand.
West line Davis street.....	4	25	Sand.	137.50 feet north.....	29	10	Sand.
East line Front street.....	2	32	Sand.	S. line Greenwich street.	30	6	Sand.
131 feet north	3	34	Clay.	210 feet north	32	8	Sand.
North line Green street...	4	37	Sand.	West line Front street...	30	10	Sand.
171 feet north	5	42	Sand.	133.75 feet north.....	30	9	Sand.
North line Union street...	4	41	Sand.	S. line Lombard street....	32	8	Sand.
171 feet north	5	36	Sand.	210 feet north	37	6	Sand.
North line Filbert street..	15	25	Sand.	West line Battery street.	37	1	Sand.
137.50 feet north.....	25	14	Sand.	133.75 feet north.....	13	22	Sand.
South line Greenwich st..	27	12	Sand.	S. line Chestnut street...	33	4	Sand.
North line Greenwich st..	31	8	Sand.				
West line Front street.....	28	11	Sand.				
East line Battery street...	15	24	Sand.				
South line Lombard street	32	8	Sand.				
North line Lombard street	33	7	Sand.				
West line Battery street...	35	4	Sand.				
East line Sansome street..	2	33	Sand.				
South line Chestnut street	28	9	Sand.				

REPORT

OF THE

Engineer of the Sacramento Valley

IRRIGATION AND NAVIGATION CANAL.

D. W. GELWICKS.....STATE PRINTER.

R E P O R T .

To His Excellency, Governor FRED'K F. LOW; Surveyor-General J. F. HOUGHTON; and Attorney-General J. G. McCULLOUGH:

GENTLEMEN:—A survey, authorized by an Act of the Legislature of California, approved the twenty-sixth of March, eighteen hundred and sixty-six, "of a route for a canal" from the Sacramento River to navigable water in Cache Creek Slough, in Solano County, has been made under instructions dated twenty-third of May last, communicated to me by the Attorney-General.

Section one of the Act prescribes: *First*—That the route to be surveyed should commence "at some point on the Sacramento River near the county line of Colusa and Tehama;" and *Second*—That the design of the canal is "for the purposes of irrigation as well as ordinary canal navigation."

The objects of the Act, as expressed in its title and substantially repeated in the second section, are "to develop the agricultural interests" by means "of a canal for the purposes of irrigation and inland trade in the Counties of Colusa, Yolo, and Solano."

A hasty reconnoissance of the Sacramento River made by me in April last, had given me reason to believe (what our surveys have since proved) that the elevation of the river and country at or near the county line of Colusa, was not sufficient to water effectively the counties named.

The sparse and scattered population, and the correspondingly scanty traffic of the country through which the survey was to be made, would not at the present time maintain a canal simply of navigation, if now existing, much less induce or promote the building of one. On the other hand, a canal of irrigation would immediately impart such life to the country as to create a traffic that would support a canal of transportation, if existing, perhaps build one, if required. The object being "to develop the agricultural interests," and the development of these interests being so much more dependent upon a canal of irrigation than upon one of navigation, if a choice is required to be made between the two, the canal of irrigation must have preference. Irrigation and *ordinary* canal navigation are, in my opinion, impracticable in the same canal and through the counties named, at any reasonable cost; the conditions required for the latter being the least current possible consistent with the supply of water required for its lockage and the unavoidable waste

of the canal; and those for a canal of irrigation, the strongest current consistent with the purposes of its construction and its own safety. A survey from any point very near the county line named, or a canal planned for ordinary canal navigation, would not therefore accomplish the objects sought. It is fair to assume that if the information upon the subject of the relative heights of the water surface in the river and of the plain to be passed over, since developed by the survey, or even that obtained by my reconnoissance in April last, had been before the Legislature, they would not have specified any point near the county line of Colusa as the initial of the route, nor a plan combining ordinary canal navigation, as I have defined it, with the essential of irrigation. Stating these facts to the Attorney-General in a letter dated the eighteenth of May last, I expressed the fear that the provisions of the first section above quoted would be found to conflict with the intent, and advised an interpretation of the Act which would allow the Engineer to select the most suitable point within the Counties of Colusa and Tehama for the initial of the route, and in the plan to combine with the canal of irrigation the best navigation that such canal admits of at reasonable cost. These suggestions were approved, and the instructions given to me accorded with them.

We understand, then, the Act with this construction, to require a survey of a route for and a plan of a canal for irrigating the Counties of Colusa, Yolo, and Solano, which will at the same time afford facilities for inland transportation and trade, but which will not be confined to the gentle current of ordinary canal navigation.

Although it is not expressed in terms that the supply of water for the canal is to be drawn from the Sacramento River, the intention of the Legislature is inferred from the general tenor of the Act. If there is any doubt upon this question, the reason for not searching elsewhere for a supply in whole or in part, and of ascertaining with certainty if it is practicable to secure it, will be found in the sequel. Of the route, the Act requires the Engineer to "return, under oath, if a practicable one can be found for a canal for the purposes of irrigation as well as ordinary canal navigation," etc., etc. It is, however, silent upon the questions of the position, size, form, slope, capacity, quality—in short, the character and plan of the canal, which devolve on him to determine.

That routes from many points on the river are *possible* for the purposes named, is without question. The conditions of "a practicable route" are different, and as I understand them, require—

First—Adequate supply of water; and

Second—Equivalents, in the prospective benefits and advantages to result from the use of the canal, for the construction of one upon the route.

The first admits of accurate determination, and has been ascertained. In the second, the cost of construction upon a route carefully and finally located may be closely estimated from experience gained in canal construction in the United States; and an approximate estimate has been made, in much detail, upon a preliminary and experimental survey. But for the full equivalents for the building of the canal, in the benefits and advantages which the canal is capable of yielding, we have no examples in our own country of a canal of navigation combined with great capacity for irrigation and water power. We can readily find them, however, in other countries. This question, upon which depends in a great measure that of the practicability of the project, I will first examine.

The effect of canals of irrigation is not only to increase the production and the productiveness of the irrigated region, and to employ and maintain a numerous rural population, but to multiply both; to increase the quantity and cheapen the cost of food, to ensure regularity in its supply, to contribute to the prosperity and wealth of surrounding districts, and to the support and comfort of population outside of its own limits.

That the population of California must rapidly increase, is a question upon which there can be little doubt. The genial and salubrious climate of the State; her fertile soil, with its capacity for varied and rich production; her wealth of mineral and exhaustless water power; the commercial advantages of her position, Asiatic commerce springing up with the advance of the Pacific Railroad to her commercial emporium, the two opening new markets abroad and in the vast interior of the continent—all give assurance of it. Whatever will secure cheap food and steady and remunerative employment to and increase the comforts of her growing population, is of such interest to the State as to deserve to be cherished and promoted by her; much more so any scheme which will do more, by protecting the State against a failure of crops like that of the season of eighteen hundred and sixty-four, amounting almost to famine. Although the best lands were under cultivation that year, the losses sustained by her people on account of the scarcity of food probably exceeded the estimated cost of the proposed canal, which, if built, would forever protect them against such disaster. The question we are now examining, with its kindred projects of utilizing the waters of other parts of the State, I believe to be such.

With her great advantages in other respects, there is one great drawback to the State in the scanty rain-fall upon her extensive plains and valleys. While the average annual rain of the Atlantic States and of the west of Europe ranges from thirty-six to forty inches, that of California, as shown by records kept at Sacramento City since the year eighteen hundred and forty-nine, is less than twenty inches. Of the seventeen years of observed rain, we find ten seasons with less than the average, four of them having less than twelve, two less than eight, and one less than five inches of rain. The recurrence of these, with a dense population in the State, would cause much suffering, and might inflict upon the State the horrors of a famine.

A sure preventive is within the reach of her people. The moisture which is in such deficiency in the plains and valleys, is in abundance in other parts of the State where it is condensed and reserved as if for their special use. They have but to turn from their channels the copious streams which the suns of spring and summer send down from the snow-clad mountain ranges of the State, and spread their treasures of moisture and fertilizing matter over the thirsty lands, to make them fruitful as Egypt, and to have assurance of unfailing crops. This use of melting snow, which must in time become a necessity to California, is but an expedient for multiplying the production of the most fertile lands and of enriching those of poorest quality in other countries. It is not confined to those of scanty rain like our State, but is employed in some where the annual rain-fall is double that of California, and as abundant and as well distributed throughout the year as it is in the Atlantic States of our Union.

The irrigation of land has been but little practiced by American farmers, and to most of them it is known only by name, although it was probably the earliest art practiced by man, has been continued through all historic ages, and is yet employed, more or less, in every quarter of

the globe. It was a novelty to most Americans arriving here, but they have since learned to appreciate it. It has been applied by them in a few places and upon a small scale, but generally in a manner so rude and primitive that it is less the use than the abuse of water. Yet its good effects are so great as to slowly extend its use. The President of an association owning a small canal of irrigation in Yolo County, in a communication upon the subject to the State Agricultural Society, published in their last report, says :

"It has been found by practical experience, that the advantage to crops by irrigation are as follows, as nearly as can be ascertained: That in the most favorable seasons the yield of small grain, and especially such as are late sowed, may be increased by a judicious system of irrigation, from one quarter to one third in quantity; in ordinary seasons, from one third to one half; and in the driest seasons, when the crops fail entirely without it, by irrigation we get the ordinary yield, say from thirty to fifty bushels per acre. * * * * Corn, vegetables, and fruit, which cannot be successfully produced without irrigation, are by it grown in abundance, and excellent in quality."

The report contains another letter from a farmer of Yolo County, upon the subject of irrigation in his neighborhood. He says:

"Last year was more than the average in the supply of rain, still the increase of crops throughout the neighborhood was at least twenty per cent. I know one piece of land that was irrigated, then ploughed and sowed, which yielded sixty-five bushels of barley to the acre; land that has produced but one crop that paid expenses for the past ten years."

An instance coming within my own knowledge may be mentioned in this connection.

In the spring of eighteen hundred and sixty-four, a few farmers in the vicinity of Stockton, finding that their crops would otherwise be destroyed by the dry weather, cut a small canal, and through it drew a small supply of water from the Calaveras River, and spread it over their fields. Although the irrigation was only partial, was scanty and late, the crop of grass reaped yielded more than thirty dollars to the acre, and that of grain over seventy dollars to each acre watered, and in the aggregate more than forty times the cost of the canal. Upon lands adjoining their own, of the same quality and under the same condition, except the watering, the crop was an utter failure.

But its true value is best learned from its history in countries where it has been longest practiced, is most extended, and the mode of applying it best understood, and from the importance attached to it by those who employ it most. Among these we find examples of enterprise in the construction of great works of irrigation and their just reward.

The Alps in Europe, and the Himalayas in Asia, like the Sierra Nevadas in California, retain a large part of the winter's snow until late spring, and a portion of it until midsummer. In both seasons it is sent down in copious and fertilizing streams, which do not subside until late summer and early autumn. But in the countries through which the drainage from the two first named mountain ranges pass, the waters have been utilized for centuries and made to enrich the arid plains. In a few of the States of Italy, more than twenty-three thousand cubic feet per second, of water, is distributed through hundreds of canals, some

thousands of miles in aggregate length, and irrigate an area of land exceeding a million and a half of acres. Every foot of water which these canals will convey is eagerly purchased and employed by the farmers, although they have during the six months of summer irrigation (viz.: from the twenty-fifth of March to the eight of September,) more rain than the total average annual rain-fall of California. Even with this great quantity of rain in favor of the *unirrigated* lands adjoining them, the increased production of the wet over the dry culture is sufficient inducement for the maintenance, enlargement, and extension of these canals, when practicable, and the construction of new ones. It may be stated as an instance of the cost of their great works for introducing water, and of the careful preparation of the lands to receive the water to most advantage, that an Italian writer, in discussing the subject, has estimated the cost of introducing over an area of five hundred thousand acres, a system of irrigation like that in Milan, with its great trunk lines of canals, its first class branches, its modifications of surface, its immense establishments for farming purposes, and its internal works for the distribution and application of the water, at two hundred million dollars, or four hundred dollars per acre. These improvements are the work of a dense population and of centuries. They embrace almost every known facility and aid to agriculture and stock feeding, and many of the conveniences and comforts of life to the people. They afford water transportation and power for machinery. They embrace a vast extent of summer meadows, prepared at great expense, and almost hedged by lines of mulberry trees, which appear to the eye to be without end. Of the costly and productive *marcite*, or winter meadows, the district contains a larger proportional area than any other country. Their value may be estimated from the fact that they produce from five to seven cuttings of grass, besides pasturage, the yield varying from twenty to as much as seventy tons per acre, the average being about twenty-four, and the rents of the lands from twenty-five to one hundred and ten dollars per acre, per annum.

Some of the Italian canals built for irrigation are used for navigation and power. One of them has one hundred and sixty wheels for grinding cereals, and twenty more for other purposes.

Fed by the melting snows of the Himalayas, a number of canals of irrigation, some of them exceeding a hundred miles in length, and in the aggregate counting by thousands of miles, had been employed in India for centuries before the English took possession of that country. In the havoc of civil war they had been rendered useless—were almost destroyed. But they have all been restored, improved, and some of them enlarged by the English, who have gone further, and not only constructed new canals of great size and extent in populous districts to cherish existing agriculture, but have built them in districts sparsely peopled in order to create it. The main trunk of one of the new canals of English origin, is four hundred and fifty-three miles in length, and with four of its great branches, all navigable like the main trunk for vessels of great size, has an aggregate length of eight hundred and ninety-eight and a half miles. At the head it is one hundred and forty feet wide on bottom, one hundred and seventy feet wide at water surface, and carries a stream ten feet deep with a current about four miles an hour. The volume of water is six thousand seven hundred and fifty cubic feet per second. In addition to its great capacity for irrigation and navigation, it affords extensive water power for driving machinery. Its effect upon the prosperity of the country, even in small things, is illustrated by the fact, that some

plantations of trees set out along the canal by the English, to gratify the eastern love of shade, soon repaid them in the sale of timber double the outlay, and timber remaining was estimated at fifteen times the cost of planting. Probably no part of the vast expenditure of the English Government in that country repays it so well as that upon the canals. Returns direct and indirect, upon some of them, are as much as thirty-six per cent. per annum. The annual increased production of the country watered by others, nearly equals the cost of their construction. It is stated by Captain R. Baird Smith, an officer of the English army and of the Corps of Engineers in India, to whose book I am indebted for information upon the subject of foreign canals, that the use of them in India has reclaimed from a semi-barbarous and vagrant life nearly twelve millions of inhabitants, and made of them an industrious and contented people. It affords them constant employment, and in seasons of great drought relieves them from the dangers of famine with which they were formerly visited. Produce, which cannot be estimated at less than fifty millions of dollars per annum in that country of low prices, is placed beyond the contingencies of season, and public revenue amounting to fifteen millions of dollars annually, is permanently protected from fluctuations in ordinary times and from annihilation during extraordinary ones.

The same writer, reporting an examination of the canals of Italy, made by himself, and of the effects produced upon the country by them, says:

“There is no part of the irrigated district which has shown so remarkably the influence of irrigation in improving its soils as the ancient Lumellina, which comprises the modern districts of Mortara and Vigevano. Prior to the construction of those great canals which now traverse these provinces, all authorities agree in picturing their condition as deplorable in the extreme. Their soil, arid when light and sandy, and when heavy retaining the water, and so forming heavy pestilential marshes, remained almost waste; no regular culture could be established; the population was scanty and impoverished; and with the unhealthy state of agriculture, internal industry and commerce had their usual close sympathy. Nothing could be more striking than the contrast between the Lumellina unirrigated and the same district irrigated. Now it rivals the Milanese in its rich productiveness. It is one of the most densely populated regions in Europe; its soils have received just the element they wanted to call forth their inherent powers; and instead of arid wastes or extensive marshes, cornfields, green meadows, or rice grounds, cover the face of the country.”

The only canals of irrigation we now have in our country are of small dimensions. They are in the most favorable localities for economical construction, and consequently, afford water at small annual rates to the proprietors. The popular idea of its value and the rate at which it should be delivered in California, is derived from these examples. But to procure an increased, adequate, and unfailing supply in less favored situations, must be attended with increased expense to the canal proprietors, and a corresponding rent be charged by those for the privilege of using it. The same increase of cost and rents have been experienced in other countries. The benefits flowing from the small canals, cheap on account of the natural advantages of their position, prompted the construction of others under greater difficulties. I do not know how I can

more briefly give example of these, and my idea of the importance of the errors committed in their construction and management, than by quoting from a description of those of Italy, written by myself and published in the "Sacramento Union," in April last :

"The difficulties overcome and the labor expended in the construction, improvement, and maintenance of the Italian canals, have been very great. Stone dams of great length and size, of enormous weight, built in their mountain torrents, turn the waters of the rivers into many of them. At times the canals are deep cuts through solid rock, or broad excavations in the precipitous sides of rocky cañons ; at others immense masses of masonry elevate and support the canal fifty or sixty feet above the river bed ; masonry weirs, with wastes and sluices to relieve the canal of excess of water, are thousands of feet in length. Rivetments of stone, shielding the canal from the force of the river without and from abrasion by the current within, have an aggregate length of as much as forty miles upon some of them. Paving upon the bottom, to prevent deepening by the force of the current, has been made for miles, and numerous and costly dams of masonry within the canal are provided to overcome excessive slope (or fall) of the ground over which the canal is made. There are tunnels of great length and size for the passage under high grounds, and masonry aqueducts for the crossing of rivers and ravines ; aqueducts and syphons for the passage of other canals and adjacent drainage, over and under and through the canals. Bridges for the passage of roads are so numerous that one place has taken the name of "The Thirteen Bridges," there being thirteen of them in a space of about five hundred feet, or one for about each forty feet in the direction of the canal. Locks, wharves, and basins of the best and most costly workmanship, are provided on the canals used for transportation. Numerous hydrometers are provided to regulate the height of the water in the canal ; outlets to regulate and gauge the water for irrigation and power ; lines of escape and drainage to take care and dispose of waste and surplus water ; and numerous minor and subordinate appliances which the experience of six centuries has shown to be necessary or useful, are provided to greater or lesser extent for all of them. The canals are monuments of the enterprise, industry, and perseverance of their projectors and builders. They have both fertilized the soil and improved the sanitary condition of every district through which they pass. They have increased many times the productiveness, and with it the rental of the land and the wealth of the landowners ; and they contribute to the support, in comfort and plenty, of one of the most dense populations and industrious people in Europe. Although the rents are continually rising upon irrigated lands, there is continual demand for more water both to improve the old and to bring more lands under its influence, and new projects are started, and old works are enlarged, or improved, or extended, and new works are built to meet the demand. But, much as they have done for Italy, the canals, with the exception of those which have been remodelled or been built within the last century, are very imperfect and inferior. The good effects which they have produced it is most desirable to reproduce in California ; but the total absence of anything like system, or general plan for the whole, or for those depending upon the same stream or intended for the same district ; their connection with each other, almost only by conflict ; the

imperfections in location, plan and construction; the thousand abuses which attached themselves to the administration of the works and the use of the waters; the conflicts of interests, the litigation, the tumults, and the wars even, which grew out of these abuses—all of these are examples by which we should profit, and which we should not follow. There is much danger that many of the errors of the old Italian and Indian systems will be repeated in California, and the Legislature cannot too soon address itself to the duty of providing wholesome laws upon the subject. Works for irrigation badly located and planned, and the privileges, immunities, and abuses growing out of their unrestrained use, are questions which root themselves deeply in the prejudices and cupidity of men, and have been found the most difficult for the Legislature to grapple with, correct, and eradicate."

Generally, districts of country to which irrigation is applied, are comparatively flat and without the opportunities and inducements for manufactures upon a large scale and for external commerce, and their consequence of populous cities. In the two countries which I have cited as instances of successful irrigation, an excess of large landed estates retarded the growth of population; yet we find that in Italy, the average population of the irrigated region of Piedmont is two hundred and seventy, and in Lombardy three hundred and ninety-one to the square mile. Insufficiency of water retards its growth. Where this exists we find it lowest; where water is more abundant it is higher. In the district of Lodi, which is nearly all watered by the great canal of the Muzza, it rises to four hundred and seventy-five to the square mile. In India, upon the eastern Jumna Canal, where the supply of water is greater than in Italy, the population is five hundred and seventy-six to the square mile. The success of irrigation from this canal decided the question of building the great canal of the Ganges, which was approached with much caution by the English Government.

The works constructed for irrigation in Italy and India are of great cost and value, and the results of irrigated agriculture correspond with them. There is nothing in the descriptions of them, however, which leads me to believe that the natural advantages of either country in climate, fertility of soil, and facilities for the easy distribution and cheap application of water to the land, are equal to those of that part of the Valley of the Sacramento in which our survey was made, that they have as great need of irrigation, or that the benefit resulting from their canals equal those which the proposed Sacramento Canal will be capable of affording.

The country lying between the Sacramento River and the Coast Range of mountains contains nearly two millions of acres. One part of it is overflowed more or less every winter. Another part is broken ground, and too high to be watered by a canal taken from the Sacramento River after it leaves the mountains. Between the two is a long belt containing about one million of acres, more than three fourths of which is irrigable from the canal. The irrigable belt is in no place more than sixteen miles in width. It is about one hundred and forty-five miles in length, in a line north and south, but the irregularity of its outline requires a canal one hundred and ninety miles in length.

The area to be irrigated is a large plain rising gently from tide water on its southern boundary to its northern extremity at Red Bluffs, and gradually from the low lands near the Sacramento River on the east to the foot-hills of the Coast Range Mountains on the west. In ordinary

seasons it is very dry, but the crops raised upon it by cultivation and its abundant spontaneous vegetation in seasons of sufficient rain, attest the great natural fertility of the soil. The climate is very dry for more than half the year in any season, and warm for three or four months of summer and autumn. In winter it is so mild that stock and many of its inhabitants are indifferent to the shelter of a roof. At two points of contact with or near approach to the line of survey, it is slightly unhealthy in summer, to wit: near Red Bluffs at the upper end, and above Cache Creek, where the tule swamps are close to the hills. Generally, however, it is remarkable for its genial and salubrious climate. There is no country in which outdoor employment is so little interrupted by inclemency of weather, and none in which the time of harvest may be so long extended. None probably in which, on account of the scanty rain, seed time is so short. The rain-fall upon its surface is less than at Sacramento. It needs an artificial supply of water, for the application of which the features of the country are as favorable as could be desired.

At numerous points along this belt, and generally where the occasional overflow of the lines of mountain drainage gives a partial irrigation, and imparts to the soil an increase of moisture, there are settlements of people engaged in stockraising and farming. In propitious seasons the yield of cereals and grass is very great. Several farmers stated to me that they had harvested as much as sixty, and in one case seventy-five bushels to the acre, and from forty to sixty bushels in fields of volunteer, the fourth and fifth year after seeding. But there is only one season in five or six of sufficient rain. In ordinary seasons agriculture is unremunerative, and in those of scanty rains, a total failure. The country is then almost a desert. It is exposed to fire, and frequently large districts are swept by it; others are ravaged by insects. For more than a hundred miles (measured by the line of our survey) not one drop of water was seen upon the surface. Animals grazing upon the plain have to seek water in the hills, or upon the river, or be watered at wells of great depth. Except for the short season when grass is green, and water in sight, large areas of the plain are almost deserted. More than half of it is uncultivated, and nearly valueless now. In its normal state, it must remain so. The attraction of the climate, however, combined with the enormous production in the few seasons which are favorable to farmers, cause the settlers who occupy the more favored places, to regard the valley, to use the language of one of them, as "better than Illinois," although much of it is occasionally rendered by drought little better than a waste, and for several, sometimes four or five seasons in succession, the failure of crops is nearly general. Their means of living are therefore precarious.

A canal of irrigation will, in all these respects, improve the condition of the country. A stream of living water will be sent across the plain at almost every mile. Irrigation may be extended over the whole, as late as June or July, and preserve through summer the verdure of spring. A third or fourth part may be irrigated in the dry season of August and September. Fires upon the plains will be prevented, or easily subdued, and devouring insects will be destroyed by water and the plough. Agriculture will be independent of capricious seasons, and in the irrigated region the driest may be the best. The season of seed time, if needed, may be extended into spring, and that of harvest into late summer, or autumn. With a canal of cheap transportation to make all products marketable, and an improved and irrigated agriculture, an annual average over the whole irrigable belt may be safely estimated at

from thirty to forty bushels of cereals, or their equivalent, per acre. Experiment has proved that every valuable grain, vegetable, and fruit, grown in the Atlantic States, may be cultivated, and, with due supply of water, with the certainty of an abundance and quality elsewhere unknown. Grass, the most valuable product of some irrigated districts, may be increased in quantity and improved in quality, and be kept green through the year. The products of the dairy, for which California furnishes the best of markets, and of which it imports largely, may be made in quantity to supply the demands of the western coast. Stock fit for slaughter, often scarce and dear in winter months, may be as readily fattened in the fall as in the spring. Plantations of choice and useful timber may be grown with advantage and profit. The cultivation of the grape, for which there is a large area of suitable ground in the irrigable belt; of the beet, and some other sugar producing plants; of the various fruit trees, and of the mulberry; the vintage, sugar making, drying of fruits, and rearing the silkworm—an opening branch of industry giving promise of great returns in this State—for all of which the soil and climate are most favorable, will enable families seeking the comforts of a home, to maintain themselves in comfort and independence upon a few acres. The great power afforded by the water for irrigation at the point of its discharge from the canal and elsewhere, will be sufficient for mills to grind the crops of grain, and for manufactories of other kinds; and the means of cheap living, and of easy transportation by the canal to markets on the Bay of San Francisco, on the one hand, and the mining grounds of the mountains on the other, will tend to their establishment. The irrigated region may be changed from a desert to a garden, and be made capable of supporting a population of one to each acre, a condition nearly approached in other irrigated countries; its value may be increased fifty fold, and its taxable property in the same ratio.

Many of our farmers have grown up in the habit of a free use of the Government lands without payment of rent, the appropriation of a homestead of one hundred and sixty acres of choice land free of charge, and the acquisition in fee of any desired quantity at the small price of one dollar and a quarter per acre. They have been raised in countries of seasonable and abundant rain, and without the necessity for and the use of water irrigation. That it is a useful aid to them in California they know, but its full value they do not fully appreciate, and the application of it to the best advantage they have generally to learn. To many, the purchase of water will be a novelty, and may be regarded as an onerous burden. The first cargo of guano imported into the United States was equally a novelty and found a poor market. It soon became a necessity to those who tried it, and they felt it to be a misfortune if they failed to receive a regular supply of this stimulant to crops, and for which they often paid more than will be asked of the California farmer for a supply of water that will fertilize the land and make him independent of season. At first, he may be reluctant to pay a water rent, but it will be reversing the experience gained upon all other canals of irrigation, if with time a demand is not made upon it to its full capacity for supply; and the right of continued supply gained by the farmer in its early use, be one of such increasing value that he will be reluctant to relinquish it. The price he will have to pay for it in proportion to its value to him, and the relative price of labor and produce in this and other countries, and the prices paid there for water, will be small.

The farmer in India, for the use of water during a season of six

months, upon one acre, pays the price of seven days' labor of a farm hand. The farmer in Italy, for the six months of summer irrigation, for the water for each acre in corn, flax, rice, etc., and in summer meadow, the net yield of which varies from ten to forty dollars, pays a price varying from three to twenty times a day's wages of a farm laborer; and for the use of water upon one acre of *marcite* meadow, from the eighth of September to the twenty-sixth of March, a sum varying from twenty to forty-five times the same day's wages. If the California farmer is content to pay at the rate of the average cost to himself in wages and subsistence of two or three days' employment of a laborer, per acre, for water for the whole year, then the rents from water arising from its application to the whole irrigated belt and running to the full capacity of the canal, will pay a liberal interest upon the cost of building one of a size to meet the future wants of the most dense population that the valley may contain, and of construction substantial and durable, and in all essentials permanent; more free from accidents and interruptions than ordinary canals, affording water at every mile, a good navigation throughout the year, and a line of cheap transportation and traffic between the head of the plain and tide water.

One of the conditions of "a practicable route," and perhaps the essential of the expediency of building a canal upon it, is that of income corresponding with the outlay. An estimate of the area of land irrigable from the canal, of water rents that may be derived from it and from power, and from tolls upon navigation, is necessary to show its practicability.

For water that will run in living streams over every mile of a country now almost destitute of it except during the rainy season; that will increase from one to two thirds the average annual production of lands that now yield, in good seasons, from thirty to sixty bushels of cereals per acre, or other agricultural products in proportion; do more for lands now valueless, qualifying them for rich productiveness; and to both classes giving increased fertility and the equivalent of a good season every year; which will enable the farmer to keep green his grass crop, or some part of it, throughout the year; to produce his own vegetables; to dispense with the outlay of fencing and wood by growing them upon his own land; which will provide for him a home market for a part of his produce, and a cheap line of transportation and travel to distant markets for the remainder, and at the same time advance the marketable value of his land, the annual tax of two dollars and a half per acre for water will make him good return. There is no doubt that if he has the opportunity, and that rate is necessary to provide a revenue to pay an interest upon the cost of constructing, and the annual expense of maintaining the canal, he will pay it. From this source the early revenues of the canal will be drawn. But with the growth of the country there will be others which will enable the proprietors of the canal to reduce the rates of irrigation.

The average annual marketable produce of the irrigable area, when thoroughly watered and cultivated, will exceed half a ton to the acre. Allowing that as much as one third of this may find a market by the river and other channels, there will remain for the canal one third of a ton per acre per annum. Freight of building materials, agricultural implements, machinery, raw materials and the fabrics manufactured from them, the necessities and conveniences of life of a dense population, may add one half, and make the traffic equal to half a ton per acre. Allowing the average transportation to be about one half the length of

the canal, it will make the quantity equal to one fourth of a ton per acre of through freight.

Stone of excellent quality for house-building, near the canal and in San Francisco, abounds near the foot-hills. Wood in large quantity, timber of large size and good quality for lumber, and limestone, abound in the Coast Range. Iron ores in the mountains above Red Bluffs may in time, with canal transportation, be profitably worked. From these sources, and back freights to Red Bluffs and surrounding country, a quantity equal to thirty thousand tons of through freight may be assumed.

In a tariff of tolls the rates would vary with the value of the article and the distance of its transportation. The bulk of the freight would be of a class that would bear a toll of one cent per ton per mile. I will estimate the whole at an average of one dollar per ton for through freight.

There will be about one hundred and ninety sluices discharging water for irrigation, on an average of nearly one ton per second for half of the year, and nearly one third of the quantity in the dry season. It will issue from the canal with a head varying from eight and three quarters to three and three quarters feet. Upon many of the lines of distribution, the fall near the canal is such that the same head may be obtained and repeated at short distance. The water will be on its way for irrigation, and though used for power, there will be no loss. It may be applied to agricultural as well as manufacturing machinery. Rents from water for power, at the moderate sum of one hundred dollars a year to the sluice, will produce nineteen thousand dollars.

The cost of maintaining canals of transportation in the Atlantic States ranges from four to six hundred dollars per mile per annum. A canal built upon the route surveyed and the plan that will be presented, would be subject to less cost of maintenance than ordinary canals of navigation, and we may assume it at five hundred dollars per mile per annum. A branch canal that will be included in the estimate may be put down at two hundred dollars per mile.

The area irrigable from the canal is estimated at seven hundred and eighty-two thousand acres. Applying the preceding rates to this quantity, we find the following annual income:

Water rents, for irrigating 782,000 acres of land at \$2 50 per acre per annum.....	\$1,955,000
Power from 190 sluices per annum.....	19,000
Tolls on transportation, $\frac{1}{4}$ ton per acre, of 782,000 acres of the irrigable area (tons).....	195,500
Additional from without the irrigable district (tons)	30,000
	225,500
	225,500
Gross revenue.....	\$2,199,500
Maintenance of 190 miles of canal at \$500 per mile per annum.....	\$95,000
Maintenance of 43 miles of branch at \$200	8,600
	103,600
Net revenue.....	\$2,095,900

The importance of the canal to reclaim from a condition of almost sterility, and to render fertile a large part of one of the best and largest valleys of the State; its capacity to do so and afford a line of cheap inland transportation, and great water power, with certainty of profit

to the people and the State, if built; and the moderate water rents and tolls required to pay a large revenue, lead me to consider the canal as practicable, if it can be substantially and permanently built at a cost not exceeding ten times the probable annual net revenues.

There are certain parts of any such canal as the Act contemplates that are as common to and nearly as expensive upon a small canal as upon a large one, viz: the connection with the river at the head, by dam, guard lock, and feeder, and with tide by a lock at the terminus; the slopes of the banks; the end and cross walls, and that part of each culvert which is under the banks; the foundation wing walls and parapets of aqueducts, and the approaches to them; the lift locks, and the flumes for passing water around them; outlets for water, by sluices and overfalls; the approaches to crossings; the right of way, and the contingent expenses of construction and maintenance. It is only in side hill work that the large canal increases in cost over the small one more nearly in proportion to their relative capacities. The large canal would therefore supply a larger quantity of water, and irrigate a larger area of land, at a lower proportional cost to the constructors of the canal, and at a lower rate to the consumer. The quantity and rate are questions of great importance to the development of the agricultural interests of the counties named in the Act, and, through them, of interest to the State. True economy requires that the location and plan of the canal should be adapted to the irrigation of the largest area practicable at reasonable cost. It may be expedient to build a small canal at the outset, with a view to future enlargement, but if it be located on ground too low it may defeat the object of its construction, and prevent the building of another to supply its own deficiencies and water the ground above it. The dividing line between a cost too great, in order to embrace more land, and the sacrifice of land that should be irrigated to save cost in construction, was as carefully sought as circumstances would permit before the route was surveyed. The object for seeking a higher elevation for the route than could be obtained from the county line of Colusa and Tehama, was to approach the foot-hills as soon as possible and keep near them.

The dimensions of the canal depend upon the quantity of water to be passed through it, and the quantity chiefly by the area of land to be irrigated. It was necessary to ascertain approximately this area and quantity, and the dimensions of the canal, before the survey of the line could be made. From the best information I could command, the area irrigable from the probable route of the canal would be seven hundred and eighty-two thousand acres. From a canal upon the line actually run, the quantity is a little less, but modifications of the route which I shall propose will restore the full amount of seven hundred and eighty-two thousand acres as the area to be irrigated.

Irrigation for agriculture in California consists chiefly in flooding the land. The times of watering are irregular and the depth of water over the land uneven. Irregularity of surface may make it two or three inches deep in one part of a field and twenty or thirty inches in another. It is practicable to prepare a system of irrigation, much less costly in construction than the present, and subject to little or no waste of water. The estimate will be based upon it. Very little information as to the quantity of water required upon it can be derived from California experience.

In the experience of India, where the habit of great economy of water prevails, it is found that the constant flow of one cubic foot per second will irrigate one hundred and eighty acres

In Italy the quantity employed, as shown by the returns from eighty of the main trunk canals and one hundred and five of the principal branches, ranges from forty-two and three-quarter acres to each cubic foot per second on rice lands, which require the most, to one hundred and six acres for corn, flax, etc. Grass meadows require more than grain; and as the area covered by them exceeds that of all other cultivation, and that of rice is in large proportion, the two reduce the average for Italy to sixty-seven acres. A number of Italian engineers estimate the quantity required in that country for ordinary agriculture at about ninety-six acres.

We know that in California, a rain of three or four inches falling gently will saturate the ground when dry, prepare it for the plough, and start vegetation. If the rain is repeated as often as once in twenty days through the winter and spring, the season is a favorable one, and crops are good. The canal should have a capacity to deliver a quantity of water equal to the rains of the most favorable season, in order to supply the deficiency in seasons of little rain. It is in such that the water is most needed and will be of the greatest value. If we provide for one watering, four inches deep, once in twenty days during the season of irrigation, or six inches per month of thirty days, the quantity required will be twenty-one thousand seven hundred and eighty cubic feet per month per acre. The discharge of one cubic foot per second, running thirty days, divided by the above quantity, will give one hundred and nineteen acres as the quantity irrigable from it; a little exceeding the best irrigation in Italy, but falling below that in India.

I have taken seven hundred and eighty-two thousand acres as the area of land to be irrigated from the canal. Dividing by one hundred and nineteen we get six thousand five hundred and seventy-one cubic feet per second for the quantity of water needed for irrigation.

There is a loss in any canal from filtration and evaporation. In new canals and in loose soils, it may amount to two inches in depth in twenty-four hours; but it decreases rapidly with time in one that is well built, and before a demand will be made for a supply of water equal to the capacity of the canal, the loss will be reduced to a small quantity. I have made an allowance equal to one and a quarter inches per diem, amounting to one hundred and fifty-four cubic feet per second.

The canal will be capable of passing one hundred and forty boats through the locks, in one direction, each day. Half the number would make a very great traffic, and I will assume it as the duty required of the locks. It will require a quantity of water equal to the constant flow of nine and seventy-two one-hundredths cubic feet per second. Allowing for leakage at the locks, say five and twenty-eight one-hundredths, or a total of fifteen cubic feet per second for lockage and leakage at locks, the sum of all the demands upon the canal will be six thousand seven hundred and forty cubic feet per second.

A canal one hundred and eighty feet wide on the bottom, with side slopes of two feet horizontal base to each foot of vertical rise, a descent of one six thousand six-hundredths, or eight tenths of one foot per mile, with ten feet depth of water, will pass six thousand seven hundred and forty cubic feet per second; the velocity of the current will be three and thirty-seven one-hundredths feet per second, or two and twenty-nine one-hundredths miles an hour. When the water is reduced to five feet in depth, the quantity flowing will be two thousand two hundred and ninety-seven feet, the velocity of the current, two and forty-two one-hundredths feet per second, or one and sixty-five one-hundredths miles

per hour. The velocities in both cases are not too great for canal navigation. A grade exceeding eight tenths of one foot per mile, might give a velocity that would abrade the banks and bottom. An easier grade would embrace more irrigible land, but would require an enlargement of the canal. The grade and section at the head above described, are those of the route surveyed and estimated. In proportion to the quantity of water discharged for irrigation on each mile, the width of the canal will be reduced. For irrigation it would of course diminish to nothing at the lower end, but for navigation a certain width must be preserved. In view of the dimensions of the canal generally, of there being an unbroken reach of one hundred and eighty miles or more, and of the capacity of the canal for large boats, I have taken thirty-six feet for the minimum width on bottom. Its capacity with the slopes and grades of that above, and ten feet depth of water, is one thousand six hundred and fifty-nine cubic feet, and the current, two and ninety-six one-hundredths feet per second, or two and two one-hundredths miles per hour.

The water of irrigation will be that of navigation, except the lockage and leakage at locks. It will be shown hereafter that the maximum demand of six thousand seven hundred and forty cubic feet per second can be supplied by the river, from the commencement of autumn rains to June or July. From that time to the commencement of the rainy season the quantity will gradually diminish, but will not at any time fall too low in the river to afford to the canal a depth of five feet of water for navigation, the irrigation of one fourth or one third of the land, and living streams for watering stock, for domestic purposes, and for driving machinery.

The general course of the Sacramento River after it leaves the mountains and enters the plains, is a little east of south, and nearly parallel with the Coast Range Mountains. The valley descends gently from its head near Red Bluffs to its southern extremity on the Bay of San Francisco. Near the river the lands are low and flat. From the edge of the flat land the valley rises gradually from the river to the foot-hills of the Sierra Nevada on the east, and the Coast Range Mountains on the west. Its length from north to south is, as before stated, about one hundred and forty-five miles. Its breadth, about sixty miles at the lower end, diminishes to a narrow strip near Red Bluffs. The lines of drainage of the west slope of the Sierra Nevada, and the east slope of the Coast Range Mountains, pass through the valley to the river nearly at right angles to its course. The water shed of this basin is of great extent, and its slopes precipitous. The escape line of its drainage, the Sacramento River, is narrow, and for more than one hundred miles of its length of gentle slope. A large area of the low lands upon the river are subject to inundation, a part annually, and a part to irregular and occasional overflow in seasons of great rain. The larger part of the valley, however, is high and dry plains.

The route of our survey is in that part of this valley which lies on the right bank of the river and between it and the foot-hills of the Coast Range. The western rim of the plain is irregular in elevation and outline. Several spurs of the foot-hills project into it, and isolated ridges of low hills, detached from the first by broad belts of the plain, rise up through it at the elevation required for the canal, and the line of the survey is occasionally upon the slopes or within the hills. The faces of

the hills are deeply furrowed, and where our survey crosses them are little more than a succession of ravines and ridges. Between the one hundred and twentieth and one hundred and fortieth mile of the survey they are very rough. A grade line for a canal adapted to the irrigation of a large part of the plain, must lie in part upon the face or within these hills. A line that will avoid them entirely will leave above it one third or more of good irrigable land, if the supply of water is to be drawn from the Sacramento River. The plain is intersected by numerous water-courses, which drain the eastern slope of the Coast Range and of the foot-hills. Five of these, viz: Putah, Cache, Stony, Tom's, and Elder Creeks, which have their sources high in the mountains, are large, and in seasons of great rains are torrents, although in summer their streams dwindle to a thread in the plains. The minor water-courses, heading lower down or merely in the foot-hills, discharge in wet seasons large volumes of water, but for half or more of every year are perfectly dry. They all bring down large quantities of alluvium, and by their overflow deposit it upon and raise their banks, and sometimes their beds, above the country adjacent to them. Where they enter the plain we find its margin elevated; between them it is depressed. Some of them have raised broad ridges of land rising from one to ten feet above the plain, to which the channels are now confined, and from which they may be turned with advantage into new ones in many cases, and their old beds be adopted as lines of distribution for the water for irrigation. Their great number and the even surface of the land at a little distance from the foot-hills, will render the distribution of the water and its application to the lands of great simplicity and economy. For passing the drainage of these water-courses under the canal, one hundred and eighty-one culverts and five aqueducts will be required, and their estimated cost is more than one third of the total for the canal.

Of the five large streams, one only, viz: Putah Creek, has high banks at the point of our crossing, but like those of the other creeks, it is not high enough to contain the water in times of great rains. The low banks, sandy bottoms, and deficiency of water way, make them difficult and expensive to cross with a canal. On this account one of them, Stony Creek, deserves a particular notice.

Heading in a mountainous district, its water, in seasons of great rains, is precipitated in torrents upon the plains below. The stream brings with it large quantities of stone, ground, and coarse sand, which are deposited in its bed, are gradually elevating it, and cause the stream to overflow its banks. During these overflows, silt and fine sand, borne along by the stream, are deposited upon the banks, elevating them like the bed, until they rise above the adjacent country. Then breaches are made in the banks, and the course of the creek is changed. A number of ancient channels, believed to have been those of Stony Creek, are seen in several places in its vicinity and some miles distant from the present bed. We were informed by one of the inhabitants that a part of the overflow has been seen to pass into and through the valley of Dry Creek, several miles to the north. We have no survey to verify this statement; but before a canal is built, the question should be settled, for the shape of the country seen by us is such that it might occur. Although the stream frequently subsides as rapidly as it rises, there is a time in each great freshet when a vast volume of water passes down. It is plain that this quantity must be the measure of the water way to be provided under any aqueduct or over any dam which may be provided for passing the waters of the creek under or through the canal. The

bed of the creek, at the point of crossing of our line, is nearly a mile in width. It is formed of sand and gravel, in bars or ridges, separated by irregular and crooked channels, all of which are represented to us as shifting with every fresh in the creek. We were unable to obtain reliable information as to the height of the greatest floods at that point; and although some drift wood found upon the banks indicated a height at which it had recently been, it did not satisfy me that it was the highest mark. The quantity of water discharged by the creek in times of great freshes, which should be correctly known before any work is constructed for its passage, can be correctly ascertained only by observation made specially for the purpose, by a person competent for the duty, in time of a fresh, and be followed by careful measurements. It cannot be calculated with certainty from the section and fall of the bed, as these are different at the end of a fresh from what they were during its height. From such information as I possess, I believe it unsafe to confine the creek, by the abutments of either dam or aqueduct, to a channel not capable of passing at least eighty thousand cubic feet per second, and that very great precautions must be taken in either case to prevent the foundations of such work being undermined or overthrown. The question of passing the canal under, through or over this and the other large streams, has been carefully considered. Upon further examination it may be found admissible to receive Elder Creek into the canal, and dispose of its surplus waters by a long dam; but generally the advantages are so much in favor of aqueducts, that crossing by them has been adopted in the plan of the canal.

The flat country adjacent to Stony Creek, and of the larger ones generally, require that the canal should approach them on ground higher than that suitable for crossing by aqueducts. It will therefore be necessary to locate the aqueducts lower down the creeks, and to approach them by a high embanked canal on each side. In the case of Stony Creek, the approaches will be nearly parallel with the creek.

From Red Bluffs to tide water the Sacramento River overflows one or both of its banks. It is crooked in its course, and frequently changes it by breaking through bends. The sides are generally of light material, easily undermined and thrown down. The bed is occasionally of gravel, sometimes of quicksand, or mud. The elevation of its water surface at any point, except in the vicinity of Red Bluffs, is not sufficiently high to water as much of the plains to the south as a canal constructed for the purpose of irrigation should do.

Soon after it escapes from the mountains a few miles above Red Bluffs, the main channel of the river sweeps around to the west of south, then southerly and easterly, and scours the base of the ridge of high lands upon which the town is situated. In the times of freshes in the river, large volumes of water break out over its left bank, taking the shortest direction across the bend, spreading over the country and cutting out deep and broad sloughs, with large islands of unbroken land between them. The opposite or high bank of the river from the "Iron Cañon," a few miles above Red Bluffs, to the mouth of Red Bank Creek, about two miles below the town, is high and precipitous. It is intersected by several streams, draining a large scope of country. The high banks, with their water-courses cutting through them, and the river at the base, would render any canal upon that side one of great cost, and always exposed to danger.

Besides the difficulty of securing the foundation of any dam with overfall for the passage of water in any part of the river below Red Bluffs,

high guard banks would be required upon one or both sides to prevent the river cutting a new channel around it. If the Legislature should refuse to declare the dam the head of navigation, a lock for river navigation would be required. A canal taken out of the river without a dam would be very expensive, and be exposed to slides and to rapid filling up. Turning the river into the slough opposite to and above Red Bluffs, closing the old channel by a bank of earth, its top rising above the highest freshes, and protected at its base and upon the inner slope with rock; extending the guard bank up the river, connecting the broad islands of safe earth, and terminating it in a bulkhead of timber and rock, is the simplest plan that presented itself to my mind to overcome the difficulty of the river connection. The high plain which extends down nearly to the river on the right bank of Red Bank Creek and of the river, leaving a small strip of bottom land between it and the river, is favorable to a connection of the two shores, and a good site for the guard lock and feeder.

At its southern end the plain is bounded by marsh, in which the connection with the tide water must be made, but it presents no great difficulties.

THE SURVEY.

Before the field duty of the survey was commenced, it was explained to the Commission and to the President of the Company, in whose behalf it was authorized, that the sum of money appropriated for it by the Legislature was not sufficient to pay the expense of one that would in my opinion do justice to the subject, and make a suitable location for a canal. The country had not been explored by any engineer with a view to a canal or a railroad that I could hear of. There was no information at command upon the subject of the absolute or the relative height of the water surface of the river, and of the plain at different points, and to show the elevation at which the water should be placed to attain the condition of practicability; nothing to show with certainty the drainage of the streams to be crossed and the proper dimensions of the structures for crossing them. The field work which might have been done generally to much greater advantage in the spring of the year, had to be made chiefly in the season of one of the most abundant harvests, and at corresponding rates of expense. The country is sparsely settled, water and fuel scarce and bad, and had to be transported to the work, or the party required to walk frequently three or four miles to procure suitable camping ground. Even the material for making stakes for marking the line had to be purchased in part, and to be transported long distances. The subsistence of the party also required tedious transportation. The hot weather and exposure to the malaria of the tule at one point on the line, and the sloughs in the vicinity of Red Bluffs, subjected the party to sickness, and in the course of the survey disabled for a time more than half of its members. The prostration of myself and assistant at Red Bluffs, in July, caused a suspension of field work for four weeks. The party was liable to sickness and dismemberment by it at any time. Fortunately, it preserved health on the plain, but upon its approach to the tule one third of its members had to give up in two days. Many questions of doubt deserving investigation in the field, had to be omitted or insufficiently examined. There was constant apprehension that if I should spend the necessary time upon some of these details, others equally important would be entirely neglected; the survey itself perhaps be left unfinished. The Commission had signified an unwillingness that

any expense should be incurred beyond the appropriation, making any claim direct or implied upon the State. The President of the company, in whose behalf the survey was made, was applied to to know if they would defray the expense of collecting the information deemed important by me, and of selecting the best ground for the line, in order to reduce the estimate of its cost. But he declined in their behalf to authorize any expense beyond the appropriation made by the State. His anxiety for an early report was repeatedly expressed, and as the company defrayed the expenses of the survey, and the early repayment to them depended upon the completion of this report and its approval by the Commission, I felt bound to respect their wishes so distinctly expressed, and as far as possible comply with them. It only remained for me to find the best route and make the best estimate upon it that I could in the time and with the means allowed, and to point out for future examination and survey, some of the more important objects which I had to neglect. To explore the country, find the best route for one hundred and eighty miles of canal, determine many questions of interest connected with it which the survey presented, and furnish the information called for by the Act in such unusual detail for a preliminary survey, and in duplicate, is too much to expect of the Engineer with so small an appropriation as eight thousand dollars.

On the twenty-ninth of May a small party was set at work to run a line of levels from low tide on the bay, through the plains, to the Upper Sacramento. To be of any value for reference, it had to be confined, generally, as nearly as we could make it, to the lines of the United States land surveys. At distances in the line, about six miles apart, offsets were made to the foot-hills. From this, some knowledge of the general elevation of the rim of the plain was derived. It also afforded us a check upon the levels of the route surveyed for the canal. Another small party was at first engaged in examining passes through some hills then supposed to be available for the route of the canal; afterward in running lines of level across the plain from the foot-hills to the river. These were in the vicinity of Colusa, and upon a line about one mile south of the north line of Township Number Nineteen. Then northerly, and up the bank of the Sacramento River to the point of its intersection with a line running west, near the middle of Township Number Twenty-One. Upon this east and west line the two levels met in the centre of the plain. The second party returned to its line near the river, continued it to the St. John's crossing of Stony Creek, and closed upon a bench made by me in April last. Adopting my level thence to Merrill's, a few miles above the county line of Colusa and Tehama, it was then resumed and continued to Red Bank Creek, near Red Bluffs. The first party explored the country about Stony Creek, and passing northerly up the valley drained by Dry Creek, through a belt of plain separating a range of isolated hills from the foot-hills proper, touched Tom's Creek at a point about four and a half miles from the river, and one and a half miles west of our return route. Running down the creek to the Tehama road, a connection was made with the work of the other party. The first party then repaired to Red Bank Creek and Red Bluffs.

With respect to the river, these levels show that the water surface was above datum as follows:

Dates.	Feet.	Places.
June 13.....	45.65	At the south line of Township Sixteen, a few miles south of Colusa.
June 23.....	84.65	At the northeast corner of Larkin's Ranch, and one mile south of the north line of Township Nineteen.
June 25.....	95.47	At Jacinto Ferry.
June 27.....	111.14	At Monroeville, near the mouth of Stony Creek.
June 28.....	143.64	At Rogers', north line of Township Twenty-Two, and the county line of Colusa and Tehama.
	162.35	Same. High water of 1862.
	169.08	At Allen's, about nine miles above Rogers'.
June 29.....	204.84	At intersection of Tom's Creek and Tehama road. Creek.
June 30.....	200.10	At the Town of Tehama.
June 30.....	229.17	At Alder Creek, crossing of the Red Bluff road. Creek.
July 2.....	240.05	At Red Bank Creek. River.
	265.22	At Red Bank Creek. High water of 1862.
July 3.....	252.46	At Ferry Slough, above the Adobe Ferry, near Red Bluffs.
	270.58	High water of 1862, at Adobe Ferry.
July 5.....	254.06	At the head of Clark's Slough.
	283.24	At the head of Clark's Slough. High water of 1862.
July 12.....	241.77	Red Bluffs.
	268.87	Red Bluffs. High water of 1862. Approximate.

Reducing levels of water surface taken by me in April, at Messrs. Walsh's, Colby's, and Merrill's, by the fall found at Rogers' on the twenty-eighth of June, the water at the places named would be on that day as follows :

Date.	Feet.	Places.
June 25.....	132.53	At Walsh's, a little above Stony Creek.
	148.81	At Walsh's, a little above Stony Creek. High water of 1862.
	135.73	At Colby's Ferry.
	154.00	At Colby's Ferry. High water of 1862.
	162.96	At Merrill's, five miles above Rogers'.
	181.16	At Merrill's, five miles above Rogers'. High water of 1862.

The variation in the height of water at different points on the river is not uniform as it approaches the extremes of high and low. I was unable to obtain a daily observation of its height upon the water gauges at Chico and Red Bluffs. The appropriation would not afford the employment of a special agent for that purpose. A few, which I was enabled to get through the kindness of the late Mr. Walsh, of Colusa County, Captain Andrus, of Red Bluff, Captain Rogers, of the steamer Lark, and General Redington, of Sacramento, will enable anyone to make, approximately, the necessary reductions, viz :

On the nineteenth of April, at one P. M., the height of water at Rogers' was one hundred and forty-six and sixty-eight one-hundredths feet above datum. At four P. M., on the same day, it stood upon the gauge at Chico at seven feet above low water mark.

On the twelfth of July the water stood, upon the gauge at Red Bluffs, at two and one fourth feet above 0.

On the twenty-ninth of July, it was twenty-one inches above 0 at Chico.

On the fifth of August, it was eighteen inches above 0 at Chico.

On the twelfth of August, it was fifteen inches above 0 at Chico.

On the thirteenth of August, it was eight inches above 0 at Red Bluffs.

On the thirteenth of August, the level of water surface had fallen to two hundred and thirty-eight and fifty one-hundredths feet at the mouth of Red Bank Creek.

In reply to a letter addressed to Captain Andrus, at Red Bluffs, he says, under date of the twenty-first of September:

"Since the thirteenth of August last, or say during the last thirty days, the water at this point has receded four inches. At present, there is no perceptible decline or increase. I am of opinion it has reached its lowest stage."

On the eleventh of October, General Redington, quoting from a letter received by him from the agent at Chico, says that the gauge at that place "shows thirteen inches higher than at the same time last year." It is not stated whether the river had risen or not.

The foregoing heights are from the levels run up from tide. Upon the same data the bottom of canal, at the head, was assumed at two hundred and fifty-eight feet above low tide. It was found that the test level run from the head down to the tide did not agree with that run up. Under other circumstances than those I have explained, I would have tested and corrected them by running over, whenever they were found to disagree between the benches. But this would have superseded all other work by a large party, perhaps have defeated the completion of the survey to tide. I was compelled to note the differences and make the best allowance I could. The test level makes low tide one and ninety one-hundredths feet below the height assumed for it at the head. I have some reason to believe that there are inaccuracies in both levels, and that a correct one would make low tide nearer to three feet, and that all of the elevations above stated should be increased by that amount. The effect of the supposed errors upon the plans and estimates of this survey is not material, and the benches left upon the line may be used for future experimental surveys; but in a revised and final location of this route, a test level should be carefully run over the whole. It may then be made accurate for a fourth of the expense it would have cost this survey to secure it. The scarcity of trees and rocks on the route for the establishment of benches, made it necessary to adopt the stakes with which the line is marked, for the purpose. With a few exceptions, the top of each stake is a bench, and a table showing the number of the stations used as benches, and the value of the bench upon the stake, is appended. The same table contains the magnetic courses of the line, and the correction to be applied for variation of the needle, ascertained by observation of the polar star at several points on the survey.

A gauging of the Sacramento River at a point a little below the mouth of Red Bank Creek, made on the thirteenth of August, by three lines of soundings fifty feet apart and average depth of four and three hundred and twenty-three one-thousandths feet, upon a width of four hundred and sixty feet, shows that there was passing on that day four thousand three hundred and eighty-four and eight tenths cubic feet of water per second. The fall in the river, as stated by Captain Andrus, up to the twenty-first of September was four inches, or about one thirteenth of the average depth of soundings. Making no deduction for diminution of current, on account of decreased depth, but reducing the quantity

above found simply in proportion to its depth, the volume of water on the twenty-first of September was four thousand and forty-seven and five tenths cubic feet per second. It may be taken as the lowest of the season, and as not much above the average minimum flow of the stream. It is nearly double the quantity required to maintain a navigation in the canal of five feet depth, and to water in the dryest season one third of the whole irrigable area. Up to the close of May, there is no question of ample supply for a full canal. It will generally extend into June and July.

The question was often raised by persons along the route, as to the effect upon river navigation by withdrawing so much water from it in the dry season. Upon the lower parts of the river, where freights are low, the effect will be scarcely perceptible. Upon the upper part, where they are high, ranging from twelve to twenty dollars per ton, the reduction by canal transportation to two or three dollars, will be compensation for the loss of river navigation for a few weeks or months of the dry season.

Turning the Sacramento River into the slough, described heretofore in this report, as the escape lines of a part of its waters in time of high freshes, and adopting the old channel of the river from Red Bluffs to a point a little below the mouth of Red Bank Creek, as a basin and feeder, was the readiest plan that presented itself for making the connection between the canal and river, and was the first one examined after it was found that a route from any point near the county line of Colusa and Tehama was not practicable. There are some objections to it, and I intended to search for some point below and within a few miles, suitable for a dam with overfall for the surplus water of the river, and a connection by suitable embankments, with ground above the level of all high water, to prevent its making a new channel; but while engaged in the survey of the first in July, sickness caused a suspension, and upon the resumption of field work in August, the season and the necessity of preserving the health of the party, admonished me to get off from the river, and to move them to the healthy plain as soon as possible. Before a plan and location for the canal is finally settled, an examination of the river below Red Bank Creek should be made, and if found to be practicable, the canal should leave the river at a level about twenty feet lower than upon the route surveyed by me.

The present plan requires an excavation two or three hundred feet wide in the low ground known as the Ferry Slough, a short distance above the Adobe Ferry, to its intersection with Clark's Slough, and along the latter for a total distance in the two, of nine thousand feet, the excavated material to be deposited on the west side. It will be deep enough to receive and will have grade enough to pass the low water flow of the Sacramento River. A temporary dam below the head of the Ferry Slough will turn the water of the river into the new channel. If in time it should be found that the channel wears and deepens too much, broad dykes of rock may be built in it to restore the bed to its proper level, viz: one high enough to keep the surface of the low water flow of the river at the head of the slough at an elevation at least two hundred and sixty-three feet above tide.

A guard bank, twenty feet wide on top, with slopes of three feet base to one foot rise, having its upper surface at the level of two hundred and eighty, and its base on ground about two hundred and seventy feet above tide, will extend six thousand feet in a southerly direction to a point about eight hundred feet northerly from Underhill's Slough. At the

lower end the level of the top of the bank will be two hundred and eighty-five and its base two hundred and sixty-five feet above tide. At this level of top the bank will extend, upon ground varying from two hundred and sixty-five to two hundred and thirty-one feet, across Underhill's Slough to and across the Sacramento River, and to the guard lock and feeder, which will be placed in an excavation to be made for them in the point of the hill on the right bank of Red Bank Creek and of the river. The upper end of the guard bank will be extended easterly to the west bank of Ferry Slough, and terminate in a bulkhead protection of timber and heavy rock. The protection will extend down the slough, and protect its right bank from wear by the current of the river. The guard bank, with the guard lock and feeder, and the high grounds on the right bank of the river, will inclose a large and commodious basin, the low water surface of which will be twenty-two feet higher than the present low water surface at Red Bluffs.

At the head of Clark's Slough, the highest fresh known, viz: that of eighteen hundred and sixty-two, was confined to the channel of the river.

The cross section of the stream on the 14th of July last, was (square feet).....	2,092
During the fresh of 1862, the surface of the river rose to 283.24 feet above tide, and its cross section was increased by (square feet).....	23,701
Making the water way at the time of the fresh (square feet).....	25,793

The top of the proposed guard bank at the upper end, as before stated, will be at the level of two hundred and eighty. A section of Clark's and Ferry Sloughs, with the intervening ground at the upper end of the guard bank, below the level of two hundred and eighty, contains thirty thousand one hundred and twenty square feet. The length is two thousand one hundred and sixty feet. Below the level of two hundred and seventy-eight it contains four thousand three hundred and twenty square feet less, or twenty-five thousand eight hundred square feet, exceeding the cross section at Clark's Slough by a few feet. The ground opposite the upper end of the guard bank, and east of Clark's Slough, is below two hundred and eighty; so that a large vent for water will be found there, if ever required. Before the water can rise to the top of the guard bank the fall in the river from the bulkhead to the mouths of the sloughs will be within four feet of the fall in eighteen hundred and sixty-two, from the head of Clark's Slough to the same outlet. The latter distance is nearly double the first; the current will, therefore, be greatly accelerated from the bulkhead down to the point of escape of the water. Finally, before the water can rise to the level of two hundred and eighty-five, the top of the great banks, it must spread over a large scope of country east of Clark's Slough, fill Clark's and Ferry Sloughs, with all the intervening ground, and go over the cross bank, and long line of six thousand feet of less costly bank. To do this will require more than double the quantity of water flowing down in eighteen hundred and sixty-two.

The dimensions of the trunk of the canal are heretofore given. The entrance to it will be at the point of high ground on the right bank of Red Bank Creek. Bottom of canal at this point will be at the height of two hundred and fifty-eight feet above tide. A guard lock, rising at the head to twenty-seven feet above bottom of canal, will

connect the canal with the basin, and a feeder of mortared masonry, with six semicircular openings of two feet radius, will admit the feed.

The first half mile of the canal will be adjusted to the ground, so that the excavation from it and the pit of the guard lock and feeder will supply the embankment required for crossing the river. For the next two miles it will have one bank. At first it will be in bottom land, but will gradually approach and rise upon the slope of the bank which forms the margin of the high plain. At Harlan's, two and a half miles from the head, it will ascend to the plain, and with two banks, cross the country drained, and at the same time broken by the several branches of Coyote Creek. On the eighth mile it crosses Elder Creek by an aqueduct of one span. Thence over a high plain, broken by dry ravines, the line of drainage of the plain in seasons of great rain, it passes on to Tom's Creek on the fourteenth mile. This stream is crossed by an aqueduct of three spans. Passing over a broad bottom and through a narrow ridge and second valley, the route enters the plain again at a range of isolated hills, the foot of the eastern slope of which it follows for four and a half miles; then crossing the ridge at a depression in it, the route enters and crosses the valley of Trumpler's Creek, with two banks. Then to the valley of the north fork of Dry Creek, it passes by a deep cut two miles in length, with a maximum depth of fifteen and eight one tenths feet. This cut may perhaps be avoided, and with advantage and economy, by turning to the left, near Station No. 168, on the twenty-first mile, and leaving the hills at first upon the right, pass through them at the southern extremity, and ascend the valley of the north fork of Dry Creek.

The line of levels run up from Suisun show us that the summit of the divide in the plain west of the range of hills lying south of Tom's Creek, and about two miles west of our line on the sixteenth mile, is two hundred and eighty-six feet above datum. The descent made by grade in one hundred and twenty-eight stations reduces the bottom of canal to two hundred and forty-five and two tenths. This divide would therefore require a cut of nearly forty-one feet.

Crossing the valley of the north fork of Dry Creek with two banks, the route touches the eastern slope of a spur of foot-hills drained by the north, middle, and south forks of Dry Creek. Following around the slope, generally with one bank, and crossing the larger streams with two, the route leaves them and enters the plain again on the thirty-first mile. Passing with two banks over two slight depressions of the ground and across the intervening ridge, it crosses Stony Creek on the thirty-sixth mile.

It has been explained that the bed of the creek varies but little in elevation from the country adjacent, and that to effect its passage by an aqueduct, with safety, it must be crossed upon ground of less elevation than is suited to the canal. The great width of the aqueduct and its consequent cost, render it expedient to make it of the least length possible with the condition of sufficient water way between the abutments. The cost of the approaches forbids their extension to ground so low that the spring of the arch will be above the bed of the creek. It must therefore be sunk into it, and the crown of the arch will be at the level of the highest freshes in the creek. Security against scouring and undermining of the masonry must be provided for in the foundations, and the means of protecting them. A similar modification of the route at the crossings and a like depression of the masonry of the aqueducts will be required at each of them.

The canal will be turned from the route surveyed down the left bank of the creek for about one mile, and crossing by an aqueduct of seven arches, will ascend the right bank to ground in which the excavation will make the banks.

South of Stony Creek there is choice of ground in open plain from the thirty-sixth to the fiftieth mile. The route crosses in this distance two large forks of Willow Creek and a number of lines of subordinate drainage. On the fiftieth mile it enters a spur of the foot-hills of the Coast Range, and with one or two banks, as the ground requires, winds around the ridges and across the valleys through which they are drained, and returns to the plain on the sixty-first mile, in the valley of a tributary of the south fork of Willow Creek; crossing the latter creek, the drainage line of a large area of foot-hills, it touches the eastern slope again on the sixty-fourth mile, and rising gradually upon it crosses Logan's Creek on the sixty-eighth, and reaches Hunter's Creek on the seventy-first mile.

Down to this point the construction of a canal upon the slope of the hills encounters no great difficulty, although the cost is increased. But on the south bank of Hunter's Creek the ground is very rough at the elevation of the canal on the north side. It was feared that if the line was continued upon the same grade the canal would be too costly. There was uncertainty as to the distance the rough ground would extend, and for the reasons before stated there was not time to make trial lines. I decided therefore to descend to the plain. It would show us the cost of a route upon a lower level, while other rough work would furnish data for an approximate and comparative estimate of the cost of keeping up in the hills if the country below should require it. Four locks of seven feet lift each were first tried upon the seventy-first mile. It was found on the seventy-second that two more, or a total descent of forty-two feet, was required to avoid the steep slope of the hills. The line at this elevation is upon a more gentle slope until it enters the valley of Funk's Creek, on the eightieth mile; thence to Stone Corral Creek, on the eighty-fourth mile, it touches only a few points of hill. At Stone Corral Creek the line is fairly upon the plain, and the space between the canal and the foot-hills gradually widens to about ten thousand feet at the ninety-sixth mile; it then diminishes slowly until the hills are again met on the one hundred and twenty-second mile.

At the one hundred and twenty-second mile the canal commences to rise upon the eastern slope of a long spur of foot-hills running in a southeasterly direction. The crest of the range is but little above and almost a part of an elevated plain on its northwest side. The drainage is generally in a northeast direction, and across the route the canal must follow. The face of the ridge for eighteen miles is little more than a succession of steep ridges and deep ravines, sometimes widening into valleys. They present no difficulties, however, to the construction of a safe canal, except the cost. With the addition of four miles upon the southern end, of ground but little better and extending across Cache Creek, the estimated cost of construction is very heavy.

It will be seen by the accompanying map that a branch of Stony Creek extends far to the south behind the first ridge of the Coast Range Mountains, conveying the drainage of its western slope in a northerly direction; also that an arm of Cache Creek nearly meets it, and drains the western slope of the continuation of the same ridge in a southerly direction. The country between the two, viz: from the thirty-sixth to the one hundred and forty-third mile of the canal route, is intersected

only by the drainage of the east slope of the first ridge of the Coast Range. There are in this distance numerous water-courses to be crossed, and a few requiring large culverts, but generally they are small. The influence of Putah, Suisun, and Napa Creeks, upon the drainage south of Cache Creek, is similar.

The drainage area of Cache Creek exceeds that of Stony Creek, but the drainage is not sent down in as large a volume. Six tenths of that of Cache Creek enters Clear Lake. The extent of this reservoir and its narrow outlet restrain the torrents that enter it, reserve the waters, extend the time, and diminish the rate of their issue from it. An aqueduct as large as that at Stony Creek is therefore not required for Cache Creek. It is crossed by one of five arches on the one hundred and forty-third mile.

The line then extends southerly, and for a few miles lies on the east side of a range of low gravel hills. For half a mile only there will be one bank. Afterwards it is upon a country nearly level and sloping gently to the eastward.

Putah Creek, upon the one hundred and fifty-seventh mile, is crossed by an aqueduct of five arches; thence to Station No. 1,329, on the one hundred and sixty-seventh mile, the line is through a country of even surface and generally cultivated.

Numerous water-courses between Stony Creek and the terminus have by alluvial deposits formed long ridges so high that in some cases the bottom of the channel of the water-course, generally in the centre of the ridge, is above the plain at a short distance from it. They may with advantage be turned into new channels. The alignment of the canal will be improved by it, and the cost of construction be reduced. One change is indicated by red lines on the small maps, at Cortines Creek, on the one hundred and one hundred and first miles. Similar changes may be made at some other points.

It was my wish and intention to extend the survey to the head of navigation on the slough at Suisun City, as well as to Cache Creek Slough, the point specified in the Act, in order to ascertain which point would be the best terminus for the canal, and the comparative cost of the two routes. It is a question yet open, and there are some advantages in the Suisun route which are worth careful examination before any final plan is adopted. The increased length of the canal, if extended to Suisun, would be about twelve miles over the route to Cache Creek Slough, and the tide lock would be much nearer the Bay of San Francisco. The connection of the canal with tide water would probably be more secure. Besides these advantages, there is a large area of country on the Suisun route requiring irrigation, which would require an independent canal if the main line is built to Cache Creek Slough. But when the survey had reached the one hundred and sixty-seventh mile, on the twenty-third of September, it was interrupted by a storm of wind, the end of which was uncertain. There was other field work necessary to be done on the line already passed over, before the plans and estimates could be made. The approach of the rainy season made it advisable that this work should not be longer postponed. The survey was suspended, and the party disbanded, excepting those required for the field work just named, and for duty in the office. At the close of October, and after the small party had finished their work on the line already run, I selected a point in the survey, viz: Station No. 1,329, one hundred and sixty-six and one eighth miles from the head, which appeared to be upon a ridge dividing the drainage of the country, and running nearly in the direction to Maine Prairie, a shipping point at the head of navi-

gation on Cache Creek Slough. An experimental line was run to a point on the slough thought to be suitable for a tide lock. The distance is twelve and three eighths miles from Station No. 1,329, making the length of the line run one hundred and seventy-eight and a half miles.

The fresh of eighteen hundred and sixty-two overflowed the ground at Maine Prairie to a height which will require a guard bank for one and a quarter miles, or ten stations. The bottom and banks on this part of the canal will be without grade. For the remainder of the twelve and three eighths miles, or eighty-nine stations, there will be the same grade as upon the canal above.

The elevation of the bottom of canal at Station No. 1,329 is above that of low tide at Maine Prairie.....	85 feet.
The sill of the tide lock should be below low tide at least.....	5 feet.
Making the difference between them.....	90 feet.
For reasons to be stated presently, the grade of the canal above will be retained in this part for the estimate for 89 stations, viz: from 1,329 to 1,418, and will take up..	8.90 feet.
Leaving to be overcome by lockage.....	81.1 feet.

I propose for this, at present, nine locks of eight feet lift each, and a tide lock of nine and one tenth feet.

I may remark here, that if in lieu of these twelve and three eighths miles, the canal be extended to Suisun, a distance of about twenty-four and a half miles, of which twenty-two miles will be a canal of both irrigation and transportation, and for the purpose of comparison assuming the same guide, there will be eight and seven tenths feet less of lockage; the nine locks of eight feet lift, with walls nineteen and a half feet high in the first, will be reduced to one of the same dimensions, and seven locks of eight feet lift, and walls fifteen and a half feet high in the second. The tide lock of nine and one tenth feet lift in the first, would be eight and four tenths in the second. An approximate estimate of the increased cost of the extension to Suisun has been made, in part upon these data.

The canal at the head is of the width proper for the quantity of water to be passed through it, but below the head it is generally a few feet wider than is necessary. The widths are a close approximation, and can be made accurate when a final location is made and the area of land irrigable from each sluice is correctly ascertained. The quantity and position of the irrigable land near the lower end, and especially between Cache Creek Slough and Suisun, is less correctly known to me than at any other point. The uncertainty upon this subject, the probabilities of changes in the route and of extension to Suisun, caused me to disregard in the present plan and estimate a question that should be considered in its revision. I will state it here.

The capacity of the canal of thirty-six feet width of bottom as stated, is one thousand six hundred and fifty-nine cubic feet of water per second. Deducting eleven feet per second for loss by evaporation and percolation on thirty miles, and fifteen feet for lockage and leakage of locks, there will remain one thousand six hundred and thirty-three cubic feet of water per second, equal to the irrigation of one hundred and ninety-four thousand three hundred and twenty-seven acres of land. The canal should be thirty-six feet wide at the uppermost one of the sluices built to issue this quantity on the lower end of the canal. With the same

width and slope that it has above, the canal below would require a supply of water which is not needed there for irrigation. Some change must be made. The width cannot be reduced, and the grade must therefore be. The amount of reduction cannot be correctly estimated now, for the reasons stated; but it may amount to eight or thirteen feet on the two lines to Cache Creek Slough and Suisun, and add that amount of lockage to the canal. The change of grade will slightly change the route, and embrace more irrigable land, and increase the water power at points where both will be very valuable.

It must be remembered that the survey of the route is preliminary and experimental, and would be improperly called a location. It will serve for an approximate estimate, and to indicate where a location may be made, and is a good base line from which to make one. In the location of a canal as wide as the one required, its width changing at every mile, and the slope of the country varying at every station, it is impossible to find the best ground upon the first trial. One revision at least should be made, and several may be, with advantage and economy. Time was not allowed us for one. Less than five miles, or one fortieth of the whole survey, was changed. The plains and ridges of the foothills presented a series of illusions to the eye, and it was frequently difficult to decide upon the direction to take. The country was unknown, except in a general way, to any one of the party. The route had to be searched out, step by step, and the survey was made at the rate of nearly five miles a day. With the broad ridges we had to cross, an excess of excavation would be a waste, or involve long transportation, and unnecessarily swell the estimates. A deficiency has somewhat the same effect, but the error is upon the safe side. In the estimate which is based upon the survey, it will be seen that the quantities of embankment are generally in excess of the excavation. They can be readily balanced, the first reduced and the second increased, by a slight change in the line. Under the circumstances, I thought it unnecessary to add anything to the quantities for puddle ditches, and other preparation which will be required.

More than nine tenths of the water for irrigation will be drawn through the left bank of the canal. Having the towing path, and with it the boats, upon the same side, will be attended with some inconveniences, which was weighed with the probable increased cost of placing the tow path on the right bank. It was supposed that there would be more canal of single bank than is found practicable upon the route surveyed, viz: about forty miles. In the plan the tow path is upon the right bank in all cases where the canal has two; in side hill work it is upon the left. In a revision of the survey it will be worth the examination to find the probable increased cost of placing it upon the right bank throughout.

The grade is uniform throughout. The route adopted depresses the canal at the lower end, where elevation is desired. To diminish the rate generally will require a widening of the canal, and in the side hill work add largely to its cost. In the plains, however, the canal may be widened and its grade be reduced at much less proportional cost, and some height gained where it is needed—say from the eighty-fourth mile onward.

As already stated, it is only in side hill work that a large canal increases in cost over the small one more nearly in proportion to their relative capacities. This increase presents itself in the wide canal below Stony Creek, between the fiftieth and eightieth miles. It is desirable to reduce its width without impairing the efficiency of the canal.

On the forty-third mile the route crosses a ridge of land stretching out in a southeasterly direction, and extends nearly to the river. It is a favorable site for a branch canal. The area of land irrigable from it is about one hundred and forty thousand eight hundred acres. It will extend to the bank of the river and continue upon it, or near it, to the head of Sycamore Slough. Its construction will prevent overflow of the lands on the right bank of the Sacramento River, from the point of its intersection with it to that of its end upon the slough. It will be simple in plan and construction, without culverts or bridges except for footmen; will have only two and a half feet of water, and be fordable at any point. Its adoption will make a useful line for distribution, and relieve the canal of one thousand one hundred and eighty-three cubic feet of water per second for irrigation. The width of the main stem will therefore be reduced from one hundred and sixty-six to one hundred and thirty-four feet, with a saving in the cost of the main stem much exceeding that of the branch. It was not thought of while in the field, and was not surveyed. Three lines of level across the country embraced within the forty-three miles of its length, enable me to make an approximate estimate of its length, grade, size, and cost. The top of the banks will be three and a half feet above the bottom of the canal. The width on bottom, at the head, will be seventy-five feet; at twelve miles, fifty feet; at twenty-five miles, forty feet; and at forty-three miles, ten feet.

An estimate of the cost of the canal has been made in much detail. The calculation of quantities required a great deal of labor and are closely approximate, but have not the accuracy required in estimates for contract. The proportions of the masonry have not been studied with the care that would be given to them in a final plan. In some cases, as in the rear of lock walls, there might be an arrangement of the masonry different from that prescribed in the specifications. The works specified and estimated are similar, generally, to such as I have seen in practice, and which answer very well the purposes for which they were built. The quantities are generally in excess, are safe, and may be reduced. Reserving the question of the approaches to and the foundation of aqueducts, for which I think enough has been allowed, but for which further examination must be made upon the ground in each case, I can speak with confidence of the adequacy of the plans proposed for the object in view, provided the execution of them is placed in the hands of persons experienced in the building and management of canals, and are properly supervised during their construction. The prices are based upon the present rate of wages and materials, and of land transportation for the latter. I had not time to search for and examine the quantity and quality of materials in the Coast Range and foot-hills, and the distances of probable transportation, but had to rely upon general information. The substitution of aqueducts and lift locks of timber and rubble stone for masonry, and their use for the first fifteen or twenty years, may be adopted with great saving of first cost, and by the help of canal transportation, with probable saving in the rebuilding of them with stone, which will be necessary in the case of aqueducts, to secure an uninterrupted supply of water for irrigation. The following summary shows the aggregate cost and that of certain parts into which the route has been divided for convenience of reference and comparison. Approximate estimates of the branch canal and the extension to Suisun have been added:

SUMMARY

Showing the estimated cost of certain divisions and the aggregate cost of the canal.

	Ending on mile No.	Length of division in miles.....	Basin at Red Bluffs	Guard lock and feeder.....	Between the guard lock and Station No. 4, included with the estimate of the basin	Earthwork in trunk of the canal.....	Culverts.....	Aqueducts	Locks.....
Basin			\$562,323	\$100,983					
Guard lock and feeder.....	1	4-8							
To Station No. 292	37	36				\$1,330,396	\$201,836	\$1,895,195	
To Station No. 341	43	6 1-8				126,128	12,703		
To Station No. 395	50	6 6-8				132,451	62,165		
To Station No. 496	62	12 5-8				323,971	40,028		
To Station No. 512	64	2				37,706	32,768		
To Station No. 567	71	6 7-8				200,555	38,717		\$115,168
To Station No. 640	80	9 1-8				189,963	40,765		57,584
To Station No. 672	84	4				62,524	25,506		
To Station No. 768	96	12				199,005	60,969		
To Station No. 968	122	25				389,641	131,096		
To Station No. 1,144	143	22				987,682	139,713	531,431	
To Station No. 1,256	157	14				203,593	62,255	481,577	
To Station No. 1,329	167	9 1-8				102,974	67,469		
To Station No. 1,428, including tide lock.	179	12 3-8				179,202	17,076		325,720
Branch canal from Station No. 341.....		178 4-8	\$562,323	\$100,983		\$4,465,771	\$933,066	\$2,908,203	\$498,472
		43				42,390			
Suisun extension.....		12 1-8	\$562,323	\$100,983		\$4,508,161	\$933,066	\$2,908,203	\$498,472

	Flumes.....	OUTLETS.		Crossings—bridges	Estimated cost of construction.....	Contingencies — 10 per cent. upon the estimated cost....	Right of way—acquisition of lands	Total estimated cost
		Sluices ...	Overfalls ...					
Basin.....	.....	.....	.....	.....	\$562,323	\$56,232	\$10,000	\$739,636
Guard lock and feeder .....	.....	.....	.....	.....	100,983	10,098		
To Station No. 4 .....	.....	\$50,297	\$53,621	\$28,143	3,559,488	355,949	5,760	3,921,197
To Station No. 292 .....	.....	8,440	8,562	4,561	160,394	16,039	980	177,413
To Station No. 341 .....	.....	9,302	7,233	4,236	215,387	21,539	1,080	238,006
To Station No. 395 .....	.....	17,397	14,216	4,192	399,804	39,980	2,020	441,804
To Station No. 496 .....	.....	2,756	.....	4,169	77,399	7,740	320	85,459
To Station No. 512 .....	.....	9,474	6,817	4,127	432,142	43,214	1,100	476,456
To Station No. 567	\$57,304	.....	13,053	8,103	350,694	35,069	1,460	387,223
To Station No. 640	28,652	5,512	6,152	3,954	103,648	10,365	640	114,653
To Station No. 672 .....	.....	16,536	11,722	7,712	295,944	29,594	1,920	327,458
To Station No. 768 .....	.....	34,450	21,005	14,832	591,074	59,107	4,000	654,181
To Station No. 968 .....	.....	30,316	14,298	10,798	1,714,238	171,424	3,520	1,889,182
To Station No. 1,144 .....	.....	19,292	11,805	10,126	788,648	78,865	2,240	869,753
To Station No. 1,256 .....	.....	12,574	3,409	3,173	189,599	18,960	1,460	210,019
To Station No. 1,329 .....	.....	17,053	6,318	12,691	587,814	58,782	1,980	648,576
To Station No. 1,428, including tide lock	29,754	.....	.....	.....	.....	.....	.....	.....
Branch canal from Station No. 341	\$115,710	\$245,973	\$178,211	\$120,867	\$10,129,579	\$1,012,957	\$38,480	\$11,181,016
.....	.....	6,000	.....	1,050	49,440	4,944	1,720	56,104
Suisun extension	\$115,710	\$251,973	\$178,211	\$121,917	\$10,179,019	\$1,017,901	\$40,200	\$11,237,120
.....	.....	.....	.....	.....	129,098	12,910	1,940	143,948
Totals.....	.....	.....	.....	.....	\$10,308,117	\$1,030,811	\$42,140	\$11,381,068

If the canal is built, it will be for the reason that it will increase the productiveness of the irrigated area, and with it the value of the land itself. Every irrigable acre will be enhanced in value many times, some parts perhaps a hundredfold. Nearly half a million of acres that cannot now find a purchaser at Government prices, and are at present almost worthless, will be eagerly sought for cultivation and be made valuable for the purpose. At first only a convenience to a few, the canal will become a necessity to all who use it, and their numbers will rapidly increase. Imperfections in its location, plan, or construction, which would lead to interruptions of the supply of water for a season, might subject the people depending upon it to individual losses exceeding in the aggregate the cost of the canal. Peopled and cultivated as some irrigated regions are, thirty or forty millions of dollars is not a high estimate of its possible and probable annual production; and the risk of exposure of any considerable part of this to loss through want of irrigation shows the importance of capacity and permanency in the canal.

In the selection of the route, my aim was to find the line that lies between the exclusion of too much irrigable land, on the one hand, and on the other an unprofitable outlay in construction to increase the quantity. The size and plan of the canal are adapted to the certain future requirements of the irrigable region when peopled and irrigated. The estimate is for sound and durable materials and good workmanship, supervised and inspected by experienced and faithful agents; for substantial and permanent structures of every class not admitting of repair and renewal without long interruption of the canal. Nothing ornamental is planned or estimated; but the estimate is for a canal complete, equal to all demands that may be made upon it, such as I think will be required in time, and is based upon the supposition of a full supply of water from the Sacramento River, and that the canal is to be built with existing facilities and at present prices of labor and materials. The intention of the Legislature as to the time of building is not expressed. I trust that there is no impropriety in my expressing the opinion that it is inexpedient and unnecessary to build the whole of the work immediately, or to expend within a few years half of the sum estimated for its complete and permanent construction. Large portions of the work, and those the most costly, are of a class and so situated that their construction may be postponed with no great inconvenience until the wants of increasing population will call for them, and their wealth perhaps build them. The less costly parts are those which will be first needed, and will be first productive. I will first point out some modifications of the general plan of the canal which with more time and money at my command I would have examined, and for which I advise surveys before any route and plan are finally adopted. I will then name the order as to time in which it appears to me that different parts of the canal may be built with most advantage and economy, and the uses to which they may be applied.

Supposing the route to be adopted in general, with full supply of water from the Sacramento River, I advise:

First—That an examination be made of the practicability of placing a dam across the Sacramento River, with overfall for the surplus water of the river, and guard banks extending to high ground on each side, at some point near but below the mouth of Red Bank Creek, and below the mouth of the sloughs on the left bank of the river; and of taking out the canal at an elevation about twenty feet less than that of the

plan now reported; and in connection with it, to extend the survey to Stony Creek, to find the relative cost and advantages of passing to the east instead of west of the range of hills near the twenty-first and twenty-fourth miles. A level twenty feet lower would reduce the cost of the side hill work south of Stony Creek, and between the fiftieth and seventieth miles, but it would to some extent reduce the irrigable area.

Second—With or without the change above suggested ascertain the cost of raising the canal, at and below Hunter's Creek, on the seventy-first mile, so as to continue the grade of that above the creek down to Funk's Creek, on the eightieth mile; from which point onwards to the one hundred and twenty-first mile there is choice of ground, and placing the canal twenty or forty feet higher would add largely to the irrigable area.

Third—Ascertain the increased cost of extending the grade from the one hundred and twenty-first mile to and over Cache Creek. From Cache Creek to the terminus is choice of ground, and placing the canal on that which is higher would make irrigable from the canal a large area now left out.

The first change would dispose of twenty feet of lockage; the second would move the lockage from the seventy-first and seventy-second mile to the one hundred and twenty-first; the third would move it to the terminus, where the cost of building the locks would be much reduced.

Fourth—Extend the survey from the one hundred and sixty-sixth mile to Suisun, or some point near it, where tide water is nearer to the high ground required for the canal of irrigation.

The dimensions of the canal are proportioned to the quantity of water to be passed through it. As much as this quantity is or can be diminished in any given part, the section of the canal is or may be reduced. The width on bottom at Station No. 968, on the one hundred and twenty-first mile, a point at which the route approaches the Cache Creek range of foot-hills, and by the route, about twenty-two miles above Cache Creek crossing, is eighty feet, and at Cache Creek it is sixty-four feet. The widths are required for the passage of water for irrigation below these points respectively. It is plain that if no water was required to pass the first named point, (Station No. 968,) that the canal, as one of irrigation, could be reduced eighty feet in width from that point to the feeder at Red Bank Creek, and have capacity to irrigate all the lands above that point. The saving of eighty feet in width in side hill work in three of the large aqueducts and in the length of all the culverts, bridges, and overfalls, would be a large item in the cost of the canal. The stretch of twenty-two miles of canal next below the one hundred and twenty-first mile and including Cache Creek, is the most costly in estimate on the line, except perhaps the same length at or above Stony Creek. Its reduction to the width required for navigation would very much reduce the cost of construction. Reducing the water way of Cache Creek aqueduct from eighty-three and one sixth to twenty feet, would make another large saving of cost. All of these changes may be found to be practicable, by introducing from Cache and Putah Creeks all the water required for irrigation below the one hundred and twenty-first mile.

From the best maps I can find, I estimate the area drained by Putah Creek at six hundred and ninety-nine square miles. From information

received of others I have reason to believe that it is practicable to intercept the large quantity of water drained from this area and store it in reservoirs above the plain. Its introduction into the canal on the south bank of the creek would reduce the cost of the canal between Cache and Putah Creeks, and of the aqueduct over Putah.

From the same maps, the area drained by Cache Creek west of the plains is one thousand four hundred and forty square miles. The drainage of five hundred and fifty-eight square miles of this area passes directly into the creek. That from the remaining eight hundred and eighty-two square miles first enters Clear Lake, a natural reservoir of one hundred and two square miles of surface area.

The average annual rain-fall in the mountains surrounding the lake is greater than that on the plains, and may be taken approximately at twenty-four inches. In a mountainous country with slopes as steep as those about Clear Lake, and with its rain-fall confined to a short season, about six tenths of the down-fall water runs off rapidly, and it is probable that in the winter and spring that amount, equal to fourteen inches over the whole area drained, passes into Clear Lake, and if retained, would raise the surface of the water in the lake a little over ten feet. There is a stream issuing from the lake the year round, and I have reason to suppose that the summer drainage into it supplies in whole or in great part the evaporation from its surface.

The area of land south of Cache Creek embraced in my estimate as irrigable from the canal, is four hundred and twenty-six square miles. Clear Lake would then contain in average seasons a quantity of water exceeding two and forty-one one-hundredths feet in depth over the whole irrigable area, a quantity which as I will presently show, may be largely increased for the use of the canal and the irrigation of this district.

The area of five hundred and fifty-eight square miles which does not drain into Clear Lake, sheds its water rapidly, but will probably afford the quantity needed for irrigation near and below Cache Creek from the time of early fall rains up to the end of March, sometimes the middle of April, after which the reserve in Clear Lake can be drawn upon. Assuming the same rain-fall and reduction, the five hundred and fifty-eight square miles will give one and fifty-three one-hundredths feet in depth over the irrigable area above stated.

The facilities for retaining within the lake the water draining into it, are very great. Its outlet is narrow, and may be readily closed at moderate cost. From the lake to the plain a natural channel is ready for the water, and no expense would be required to enlarge or open it for passing down an increased summer supply. At or near its entrance into the plain a dam would be required to turn the water into a canal or feeder. An additional reservoir may be made, if necessary, in the valley of Cache Creek, to retain the drainage of the five hundred and fifty-eight miles; and to guard against deficiency of water in seasons of less than the average rain, one or both of the reservoirs may be made high enough to hold all the drainage of wet seasons and retain the excess until needed in dry ones.

The drainage area of Putah Creek, as before stated, is six hundred and ninety-nine square miles. With the same rate of average rain collected into a reservoir and saved for distribution as needed, it will afford a quantity equal to one and ninety-one one-hundredths feet in depth over the irrigable area below Cache Creek. The aggregate from the three sources is equal to five and eighty-five one-hundredths feet in depth

over the land to be irrigated. There may be a rate of loss from filtration and evaporation from the lower reservoir in Cache Creek, and from the one in Putah, exceeding the summer drainage into them, but by using the water from them in the winter and spring, the time allowed for the loss will be reduced to a few months.

The area of irrigable land north of Cache Creek and south of the one hundred and twenty-first mile of the canal, is estimated at one hundred square miles. If it be added to the four hundred and twenty-six square miles below the creek, and watered from the reservoirs, the whole area of five hundred and twenty-six square miles may receive from them an average annual irrigation equal to a depth of four and seventy-four one-hundredths feet.

By adopting these auxiliaries to the canal, making a canal on the south bank of Putah and one down each side of Cache Creek, to a revised route for the canal, the canal between Putah and Cache Creek may be reduced in size, the aqueducts over one or both of these streams be reduced to the dimensions required for navigation, and the stretch of twenty-two miles including and next above Cache Creek, be reduced in width on bottom from eighty and sixty-four feet at its upper and lower ends, to thirty-six feet, or less, with grade reduced or reversed, and all of the line above it, with its numerous culverts, and including about twenty-five miles of side hill work and three great aqueducts, be reduced about eighty feet in width.

I have no information upon the subject which will enable me to make even an approximate estimate of the cost of collecting into reservoirs, within the hills, the drainage of Stony Creek. I can show what would be the effect, if it is found practicable to do so. The area of land irrigable from the canal between the one hundred and twenty-first mile and Stony Creek, is five hundred and ninety-six square miles. The drainage area of the creek, within the hills, is nine hundred and seventy-seven square miles. Assuming the same average annual rain-fall, and making the same reductions as at Cache and Putah Creeks, the quantity of water that may be collected is equal to one foot in depth over one thousand one hundred and thirty-nine and eighty-three one-hundredths square miles. Dividing this by the irrigable area, gives a quantity equal to one and ninety-one one-hundredths feet in depth over the land irrigable from the canal, and exceeds the average annual rain-fall upon it.

The quantities of water in each case stated are subject to some reductions on account of filtration and evaporation in the reservoirs and loss in the canal. Still they are large and deserve attention. If a cheap and reliable supply can be obtained from Stony Creek for half of the five hundred and ninety-six square miles of irrigable land, it will make a further reduction of about fifty feet in the width of the aqueduct over Stony Creek and of the canal above it to the head, including the aqueducts over Tom's and Elder Creeks. The canal at the head would be reduced from one hundred and eighty feet to about fifty in width on bottom.

The effect of arresting the drainage of these streams and confining it in the mountains in times of hard rains, will be to reduce very much the height of freshets in the Sacramento River. The drainage of Cache and Putah Creeks is discharged into and spreads over the large area of tule land on the right bank of the Sacramento River until late in the spring. Holding back the drainage of these two creeks would aid very much in a plan of reclamation of this large body of land, which is capable of being made of great value.

An inspection of the maps, profiles, and detailed estimates of the canal, will show a number of changes and improvements which may be made in the route with advantage. Although the survey is only a preliminary one, it furnishes data that may be made useful, and is a base line for future surveys, which should be made before any plan is finally adopted for the canal.

Repeating the opinion before expressed, that the facilities afforded by the canal for irrigation, and the need of it to the country, will make irrigation of more value than any one or all other of the uses to be made of the canal, and believing that this should be the object in view in its construction, I will endeavor to point out in what manner it may be commenced, and to a great extent prepared for this purpose, for less than half of the estimated cost of a canal complete for navigation as well as irrigation, all work and expenditure upon it to be a part of and in execution of the general plan, which may afterward be completed at the time and in the manner required by the wants of the country, and perhaps be done from the revenues of the canal.

The area of land to be irrigated from different parts of the canal are approximately as follows :

	Aeres.	Aeres.
First—From the head to a point half a mile below Stony Creek, 36½ miles.....		63,920
Second—Between Stony Creek and the 121st mile, 84½ miles, and including the branch canal of 43 miles.....	381,440	
Third—From the 120th mile to a point half a mile below Cache Creek, 22 miles.....		64,000
Fourth—Thence to the terminus of the main stem near Suisun City, 45½ miles.....	272,640	
Totals.....	654,080	127,920

Dividing the estimated cost of the canal to correspond with these divisions of the route, as stated in the summary of estimates, we find them as follows :

	Amount.	Amount.
First and third, (will irrigate 127,920 acres).....		\$6,550,015
Second and fourth, (will irrigate 654,080 acres).....	\$4,831,053	
Deducting from the last and adding to the first the estimated cost of work which may be postponed until the demand for water requires the canal to be run full and the connecting links be made, viz : Locks, flumes, overfalls, and the connection with tide.....	816,922	816,922
The estimated cost of the respective parts is.....	\$4,014,131	\$7,366,937

The smaller sum includes four hundred and eighty-one thousand five hundred and seventy-seven dollars for an aqueduct of masonry over Putah Creek.

It has been explained that the introduction of a supply of water from Cache and Putah Creeks, equal to their capacity, would reduce the width, and to some extent the cost of the canal above these streams, and a sup-

ply from Stony Creek, the width and cost of the part above that creek. This saving, and a reduction which may be made in first cost by the substitution of an aqueduct of wood for one of masonry over Putah Creek, may amount to that of the expense of introducing two or three of the streams, and applying the water to irrigation and a partial navigation. The cost of one hundred and thirty miles of main stem and forty-three miles of branch canal, with that of the reservoirs and feeders from the creeks, may be such that water rents from the six hundred and fifty-four thousand acres irrigable from them would pay a net revenue exceeding one and a half millions of dollars per annum, and soon pay for completing the canal, and affording through navigation and the irrigation of the remainder of the lands, from the excess over the sum required to pay interest upon it.

The construction of the parts most needed for irrigation, by the facilities they would afford for the transportation of materials, and through irrigation providing and cheapening the cost of subsistence and forage, would reduce the estimated cost of constructing the more expensive links, and perhaps to the extent of one third. In like manner, the construction to the full size required of the one hundred and thirty miles most needed for irrigation, and first proposed to be built, may in its time be facilitated and cheapened by building first a small canal capable of affording a partial irrigation to provide subsistence and forage, water for domestic uses along the canal, and transportation of materials for building. *But it should be upon the right ground for the canal, and be so placed as to admit of enlargement without unnecessary cost.*

Although the route surveyed is, in my opinion, "practicable" for the purposes named in the Act, I could not, on account of the limited appropriation, make the necessary examinations to show whether or not it is the best that can be found. The modifications which seem to me proper to be made, I have pointed out for future surveys to demonstrate the value of. "To develop the agricultural interests" of the counties named in the Act by means of the canal, it is necessary to find with certainty the route and plan which will effect the watering of the largest area at the least proportional cost, and it is the true policy to do so before any part of the canal is commenced. When these are established, every canal or part of one in the district should conform to and be a part of the general plan. Separate and rival works will conflict with rather than promote the objects in view.

It was stated that our surveys had demonstrated what my reconnoissance in April had led me to suspect, viz: that a canal from the county line of Colusa and Tehama would not be sufficiently high to water the plain.

The statement of heights of water surface in the river shows that on the twenty-eighth of June, the water surface at Rogers' (the county line,) was at one hundred and forty-three and sixty-four one-hundredths feet above datum. Also, that between the second of July and the twenty-first of September, the fall at Red Bluffs was one and eighty-eight one-hundredths feet. Reducing at Rogers' at the same rate, low water mark of the season would stand then at one hundred and forty-one and seventy-six one-hundredths feet above datum. If we suppose a dam to be constructed at this point, so as to raise the water, say ten and twenty-four one-hundredths feet, the bottom of the canal would be at one hundred and forty-two feet above datum. Neglecting any comparison of the difficulties of the route in getting out from the river, exposure of the canal, the expense of crossing Stony Creek, and the

increased expense of passing the drainage of the country under the canal, I will confine the two routes to the areas of land irrigable from them respectively. Three lines of levels run across the country upon or near the east and west lines of the United States land surveys, will enable me to show very nearly the points at which a canal from the county line would cross them.

This line corresponds in northing with Station No. 254½ of our survey. The elevation of the bottom of the canal is, therefore, two hundred and thirty-two and fifty-five one-hundredths feet at the point of its intersection with the county line, or ninety and fifty-five one-hundredths feet above that of a canal, as supposed, from Rogers. Preserving the difference of elevation in the same southing of the two routes, the canal from the county line would pass to the east of the route surveyed as follows:

At county line—five and one half miles;

Near the middle of Township Number Twenty-One north, and in Three west, eight and one half miles south of Rogers'—twelve and three-quarter miles;

One mile south of the north line of Township Number Nineteen north, nineteen miles south of county line—eight and three quarter miles;

South line of Township Number Sixteen (after the descent of forty-two feet in the survey, which it is proposed to restore,) at forty-two miles south of Rogers'—eight and one half miles.

At twelve miles further south the canal would run into wet land, and be of no value as one of irrigation. I have no levels that will enable me to speak with certainty of its capacity to irrigate upon the remaining eighty miles, but I have reason to believe that it would do little more than skirt the tule.

I will recapitulate some of the facts and conclusions arrived at in this report.

The object of the Act of twenty-sixth March, eighteen hundred and sixty-six, is "to develop the agricultural interests of the counties of Colusa, Yolo, and Solano," by means of a canal for irrigation and navigation; and of the survey authorized by it, to ascertain if a practicable route can be found. The intention of the Legislature, that the full supply of water for the canal is to be drawn from the Sacramento River, is inferred from the Act.

One of the conditions of a practicable route is, that equivalents shall be found in the benefits and advantages to result from the use of the canal to be built upon it, for the cost of construction. In the absence of any great canal of irrigation in the United States to show the probable benefits, the experience gained upon similar canals in foreign countries is appealed to. The results upon them are direct benefits generally, and very great indirect benefits always.

The district proposed to be watered by the canal is very dry, and at present of little value without irrigation; but with it, can be made very productive and valuable. It can be made capable of supporting a dense population. The annual average of which the irrigable area is capable, when peopled, irrigated, and cultivated, is estimated at from thirty to forty millions of dollars. Facilities abound for the application of water upon a large scale in an economical manner. Water rents and tolls will be moderate, compared with the benefits that will result from the canal, and will pay a large revenue in time.

The probability of direct, and certainty of very great indirect benefits to result from the use of the canal, make a route practicable in my opinion, if the estimated cost of the canal to be built upon it does not

exceed ten times its probable annual net revenue. This probable revenue when the canal is completed, and the irrigable area all watered and cultivated, is estimated at a sum exceeding two millions of dollars per annum.

The interests intended to be developed by the Act will be most promoted by embracing within the area to be made irrigable from the canal the largest quantity of land possible, without increasing the cost of construction so much as to increase the *rate* to be charged for water for irrigation. This will require a high level and a large canal. Smooth and level land offers the cheapest route; placing it upon steep slopes increases the cost of constructing the canal. The rim of the plain to be irrigated is so irregular in height at its intersection with the foot-hills, that if the canal is confined to smooth land it will exclude a large body of land that needs irrigation and may be made valuable with it. Including too large an area for irrigation, on the other hand, will place the route so much in the hills as to swell the cost of the canal and raise the price of water over the whole area. I took much pains to find the line between the two. The difference between the cost of large and small canals upon the same ground is not as great as the respective capacities for delivering water, and when there is need of it, the large canal is the cheaper, and can supply water at a lower rate than the small one. The counties before mentioned contain a million of acres of land that would be improved by irrigation. About three fourths of that quantity is included in the area irrigable from the route surveyed. It requires a canal of one hundred and eighty feet wide on the bottom and ten feet depth of water at the head, and a supply of six thousand seven hundred and forty cubic feet per second.

To diminish the cost of constructing the main stem in the side hill work below Stony Creek, a branch canal forty three miles long, ending at the head of Sycamore Slough, has been planned and estimated. It will relieve the main stem of one thousand one hundred and eighty-three cubic feet of water per second, and irrigate one hundred and forty thousand eight hundred acres of land.

The prosperity of the irrigated region will depend upon regularity and certainty of supply, and through these upon the security of the canal. The dependence will increase with time and growing population. The location and plan of the canal should therefore be carefully adapted to the future wants of the irrigable region; and all parts of it which cannot be renewed without suspending the use of the canal, should be substantially and permanently constructed.

The route surveyed is for a canal one hundred and seventy-eight and a half miles in length. An extension to Suisun City from the one hundred and sixty-sixth mile, instead of the line to the Cache Creek Slough, is advised. It will increase the length to about one hundred and ninety miles. The plan based upon the survey and proposed extension is for a canal of capacity to irrigate seven hundred and eighty-two thousand acres of land, with full supply of water from the Sacramento River; the work to be substantial and permanent in most particulars. The estimate is based upon present prices of work and present facilities for doing it, immediate construction to the full size, complete for navigation as well as irrigation, and capable of satisfying all the demands that may be made upon it by a dense population.

The drainage of Putah, Cache, and Stony Creeks is shown, and their

capacity to furnish a partial supply of water. If found practicable to introduce it, (and surveys are advised to test the question,) it will reduce the width of the canal, as now planned, equal to one third, and its estimated cost probably one fourth. It would supply irrigation to more than four fifths of the area irrigable from the canal, at an outlay of less than half of the estimated cost of the canal complete for both irrigation and navigation, and render unnecessary for purposes of irrigation the early construction of the more expensive parts, viz: thirty-six and a half miles above and including Stony Creek, the twenty-two miles above and including Cache Creek, the connection with tide, four masonry aqueducts, and all the locks and flumes, which may be postponed until needed for navigation.

The building of the link between Cache Creek and Suisun to the full size required, if supply of water from Cache and Putah Creeks is found to be practicable, is proposed. It will irrigate more than two hundred and seventy-five thousand acres of land. Neglecting for the present the connection with tide water for navigation, and the twenty-two miles next above and including Cache Creek, the building of the eighty-five miles between the one hundred and twenty-first mile and Stony Creek, and the forty-three miles of branch canal, is also proposed; the supply of water to be drawn from Stony Creek at first. And preliminary to this, in order to provide a partial irrigation to cheapen the cost of subsistence and forage, reduce the cost of transporting materials for building, and to supply water for domestic purposes, the construction of a small canal is suggested, with the condition that it be placed *on the right ground for the large canal, and be so constructed as to admit of enlargement without unnecessary cost*. The outlay required to build such a temporary work, it was not thought necessary to estimate.

The fifty-eight and a half miles of the canal, which embrace the first thirty-six and a half miles from the head, and twenty-two miles between the one hundred and twenty-first mile and the right bank of Cache Creek, will together irrigate one hundred and twenty-seven thousand nine hundred and twenty acres of land.

The one hundred and thirty miles which embrace eighty-four and a half miles next below Stony Creek, and forty-five and a half miles next below Cache Creek, with the addition of forty-three miles of branch canal, will irrigate six hundred and fifty-four thousand and eighty acres of land.

The parts composing the fifty-eight and a half miles are necessary to a canal complete for navigation, and for a perfect watering of the whole irrigable area. They will be necessary for irrigation generally, if supplies of water cannot be drawn from Putah, Cache, and Stony Creeks; but with sufficient feed from them, the construction of these parts may be postponed until they are required for navigation, and the building of the other links containing one hundred and thirty miles of main stem, and forty-three miles of branch canal, will irrigate six hundred and fifty-four thousand and eighty acres, or more than four fifths of the whole irrigable area.

The estimated cost of these divisions of the canal is as follows:

For a canal complete for irrigation and navigation, substantially and permanently built, capable of receiving and distributing six thousand seven hundred and forty cubic feet of water per second, and the full supply to be drawn from the Sacramento River:

For the 58½ miles, to irrigate 127,920 acres.....	.....	\$6,550,015
For the 130 miles of main stem, with 43 miles of branch canal, to irrigate 654,080 acres.....	\$4,831,053	
Work on the latter not necessary until the whole canal is built, and which may be postponed—deduct from one and add to the other....	816,922	816,922
Making the estimated cost of the respective parts.....	\$4,014,131	\$7,366,937

The smaller sum includes four hundred and eighty-one thousand five hundred and seventy-seven dollars for an aqueduct of masonry over Putah Creek.

The canal is eighty feet on the one hundred and twenty-first mile and exceeding one hundred and thirty feet on the thirty-sixth mile wider than will be necessary for irrigation, if a quantity of water is drawn from the three creeks before named equal to their capacity to supply. Making this reduction, the saving will be very large, particularly in the width and cost of the five great aqueducts. Opportunity was not afforded to me to collect the information necessary to make even an approximate estimate of the cost of reservoirs and canals upon the creeks, necessary for the purpose. It is plain, however, that if a large portion of the drainage of the creeks is reserved in the mountains, that the length of the three largest aqueducts may be reduced in proportion—perhaps large culverts be substituted for them—and their cost, estimated at more than three millions of dollars, be reduced to a small sum.

The plan and estimate of the canal embrace one large basin, with guard bank, guard lock, and feeder, at the head; one hundred and ninety miles of main stem, with one hundred and eighty culverts, five large aqueducts, fifteen lift locks and flumes around them, one tide lock, and twenty-nine overfalls, all of masonry; one hundred and ninety sluices for distributing water; thirty-one bridges; a branch canal, forty-three miles long, with its crossings and sluices; and fifteen thousand eight hundred and seventy acres of land, besides land drainages estimated in gross.

The climate of California is alone sufficient to attract a large population. Her mineral resources, and the commercial advantages of her position, will insure it. It may become dense in the vicinity of her cities and in the valleys of her great rivers. Insufficient rain for successful agriculture is the rule rather than the exception. Irrigation will become a necessity, and system in establishing the great lines to be built for the purpose is essential to their economical construction and use, and to the prosperity of the State, commercial as well as agricultural.

Appended are some notes in explanation of the different class of work entering into the estimates, of which written plans and specifications have been prepared.

Detached is one map on a scale of six miles to one inch, and four photograph copies;

One set of twenty-four small maps upon a scale of one mile to two inches;

One set of profiles in twelve sheets, showing the elevation and variation of the ground at the centre line, and at the outer slopes of the canal on the right and left;

Photograph copies of the large map, tracings of the set of small ones,

and written copies of the other papers, have been prepared for the President of the Sacramento Irrigation and Navigation Canal Company.

The field-books of the survey, twenty-one in number, are returned with the report.

The formulas employed in the calculations of the flow of water, are those of D'Aubuisson, translated by Bennett.

I was assisted by Mr. James H. Hoadley and Mr. J. R. Ray. To their industry in the field and office, I am indebted to the successful prosecution of the survey, and the details of the estimates.

Respectfully submitted,

WM. H. BRYAN,
Engineer in charge of the Survey.

SAN FRANCISCO, February 11th, 1867.

NOTES

In reference to and in explanation of the different classes of work entering into the estimate, and of which written plans and specifications have been prepared.

1. *The Basin of Red Bluffs.*

Works denominated "accessory" in the estimate of the basin, are of a class admitting of only approximate specification or estimate until further surveys are made. They consist of an excavation to receive and pass the low water flow of the Sacramento River; a temporary dam to turn the water into the new channel; a protection of timber, brush, and rock, upon the right bank of the new water way, to prevent undermining by the river; and a probable use of rock at a few points in its bed to prevent its wearing too deep. Heavy rock for this work, and for the rock dike and rip-rap protection to the guard bank at the points of crossing in the sloughs and river, can be obtained in sufficient quantity and at moderate cost in the Iron Cañon, a few miles above Red Bluffs. A large quantity of loose stone lying near the site of the guard bank, may, with advantage to the bank, be cheaply spread upon its inner slope.

2. *Guard Lock and Feeder.*

There may be a pressure of water against the head of the guard lock and feeder exceeding twenty feet. As no rock will be found for the foundation, it will be placed upon earth, the quality of which at the site of the lock and feeder appears to be such that the foundation can be made safe. But great precaution must be taken in the quality of the work as well as in the weight of the walls, to make the head works secure.

The plan and specifications of the guard lock and feeder will be found with those of lift locks.

3. *Trunk of the Canal—Earthwork.*

The line surveyed for the canal may be straightened and shortened at many points with advantage and economy. Generally, however, in passing over elevations upon the plain, they will be found such that an excavation in excess of the quantity needed for the bank opposite to it would require a transportation too great for economy, and the excess would be waste. It is better, in many cases, to procure the material required for embankment, in part at least, from the inlets and outlets of culverts, and from side drains placed at least twenty feet from the foot of the outer slope of the banks of the canal, and having the same slope. In building a canal as wide as the one proposed, there is no objection to placing more of it above than in the ground; loss of water by filtration is less in good embankments than in natural soil. Along side hill work the excavation should be no more than is necessary to provide the required water way, to make the bank opposite, and supply the deficiency adjacent to its ends with moderate transportation. Upon a plain, with choice of ground for a canal of two banks, and with an allowance of

one eighth for shrinkage, the widths of one hundred and eighty and thirty-six feet bottom, require about three and one tenth and six and one tenth feet respectively in depth of excavation, and eight and nine tenths and five and nine tenths in height of banks above the natural surface.

4. *Culverts.*

The absence of rock for foundations, requires that the form of the culverts, and the material of which they are built, should be such as to prevent undermining at any time, and wear when heavily charged by the stream. By adopting the plan of circular pipes, built of well shaped hard stone or well burnt bricks, with secure cross and end walls, the culvert will be safe, with a pressure from within equal to that upon the exterior of the pipe; the latter will always be at least four feet of puddle, and (with the water in the canal, as it should always be in the season of rain,) at least five feet of water, in addition to the weight and strength of the masonry.

5. *Aqueducts.*

The elevation of the beds and banks of four of the five large streams to be crossed by aqueducts, and the expense of high approaches to them, require that the abutments and piers be sunk deep into the valley of the stream. There is uncertainty of finding in the bottom ground suitable for masonry to rest upon, and the probabilities of scouring by the stream in times of great freshes, render the use of timber necessary, unless we incur the expense of making the abutments and piers of solid masonry, not less probably than twenty feet deep, and from fifteen to twenty feet thick. In the absence of reliable information as to the character of the bottom, piling, capped by a platform of solid timber, protected by fascines, piles, and rock, or its equivalent of paving, has been adopted as the plan upon which to base an approximate estimate.

The thrust of the arches, having a rise of only one fifth of the span, requires abutments of great weight and thickness. It is met in part by the embankment and compact puddle, rising to the height of twenty-eight feet and resting against the abutments on the rear, and in part by the form given to the wings.

The same foundation is required for the wings, which may be exposed to undermining by the suction of the water after its escape from confinement under the arch. The tendency of the embankment and puddle resting against the inner face to press them outwards, is met in part by their circular form, the convex side being next to the pressure, and one end being in line with the parapet and resting against it and the rear of the abutment.

The thickness of the parapet is more than is requisite to resist the pressure of the water. But in an aqueduct with water way only six feet deep and twenty feet wide, and with less than six feet for the play of the boat, I have seen parapets of cut stone six feet thick disturbed by blows from passing boats.

6. *Locks.*

All lift locks which may be placed upon the main stem of the canal used as one of irrigation as well as navigation, with its depth of water varying from five to ten feet, will be open to two objections which it is desirable to avoid:

First—There must be an expensive appendage (flume) for passing around the lock, the water required for irrigation and loss below the lock; and,

Second—The lock must be adapted to the passage of a boat, with any height of water within the limits named, on either or both of the reaches above and below it, making each lock practically a guard lock.

A lock of seven feet lift between two reaches of five feet depth of water each, requires the side walls to rise to twelve feet above bottom of canal in the reach below the rock. If the water be raised to ten feet in the upper reach, the height of the walls must be increased to seventeen feet. The height of the walls of a lock of eight feet lift will be, in the two cases, thirteen or eighteen feet above canal bottom. A suitable coping will add one foot in height in each of the supposed cases. The difference in the cost of the two classes of locks, viz: with and without a variable height of water, is considerable. The more costly class will be required for the six locks of seven feet lift each on the seventy-first and seventy-second miles, and for the nine locks of eight feet lift each on the line between the one hundred and sixty-sixth mile and Cache Creek Slough, as in both cases the canal will be one of irrigation as well as navigation.

But if the route to Cache Creek Slough should be abandoned, and the main trunk of the canal be extended to and terminate at a point near Suisun City, or some other point to which tide water approaches more near to ground high enough for the grade of the canal of irrigation, its extension to tide water may be a canal of navigation only; it may be without grade and without variation in the height of water surface in the reaches between the locks. Supposing the extension made, and the locks and reaches adapted to a uniform depth of six feet of water, with eight locks of eight feet lift each, the height of the walls of one only of the eight locks would be eighteen feet above bottom of canal (nineteen with coping,) the other seven rising to fourteen (and with coping fifteen) feet above the same level. The flumes will be small and may be of simplest and cheapest construction, and easily repaired or rebuilt.

The modifications in the route which I have suggested an examination into, if they should lead to the removal of the six locks from the seventy-first and seventy-second miles to the lower end, and particularly if they should be placed in a branch simply of navigation, would much improve the project and largely reduce the cost of locks and flumes.

The tide lock, whether upon the line to Cache Creek Slough or to Suisun, will be upon ground that may require additional precaution in the foundation, especially at the tail of the lock. Deep soundings in the mud, for which I had not the time and means, must be made before the best place can be determined.

7. Flumes for passing water around the locks.

Between Stations Nos. 562 and 575, on the seventy-first and seventy-second miles, the canal descends forty-two feet by six locks of seven feet each. To pass the large body of water required for irrigation below these locks requires costly works, which must also be carefully built.

The quantity of water entering the canal with a full head of ten feet will be six thousand seven hundred and forty cubic feet per second. It will be gradually reduced, between the spring and autumn, from ten to five feet in depth, and the quantity then entering will be two thousand

two hundred and ninety-seven cubic feet per second. About sixty-five hundredths of the whole will be required below the lock, viz: four thousand three hundred and eighty-one cubic feet per second in spring, and fourteen hundred and ninety-three cubic feet in autumn.

Any passage way for this large body of water should be self-regulating and independent of the attention of the employes of the canal. It should pass the water with safety and certainty, day and night, and at all seasons, and be interrupted only in case of a breach in the canal or other cause requiring a drawing off of the water.

It would seem at first sight that the variation in the height of water surface in the canal generally, viz: from ten to five feet, should apply to the whole of the canal above and to each of the reaches between these six locks, and that the passage way for the water from one to the other must be made to suit the varying height in the canal. There is not, however, any necessity for it. There is no objection to the maintaining of a greater depth of water in the canal for a few miles above the upper one of the six locks and in the reaches between the locks, than there will be in the canal generally, with any flow less than ten feet of depth. It will be an advantage to reduce the current and maintain a greater depth. We have, then, only to find the most simple and safe passage way for the larger quantity, viz: four thousand three hundred and eighty-one cubic feet of water per second, with a depth of ten feet in the canal, and it will pass any less quantity without reducing the water too much for navigation if the bottom of the passage way be not placed too low.

Long sluice ways and simple weirs or dams are the most usual forms of structures for passing large feed around locks. Both require firm foundations to resist the shock of the water at its entry upon the lower level. The foundation is a large item in the cost. A long sluice will contain large quantities of material, and if built dry it will be unsafe. A weir will be more compact, and is the plan I propose for the six locks.

Between Station No. 1,329 (on the one hundred and sixty-seventh mile) and the tide lock at Cache Creek Slough, there will be nine lift locks, each of eight feet lift. The quantity of water to be passed around the first one of the nine locks is four hundred and fifty cubic feet per second, about one fifteenth of the whole quantity entering the canal. It will diminish with each mile, and the quantity will be less at each successive lock. As the foundation and side walls of a weir are so large a part of the cost in construction, and are nearly as great for a short as for a long weir, I propose, for the small flumes required at these nine locks, to substitute a pipe or culvert to pass under the cross bank.

It has been explained under the head of "Locks," that if the main trunk of the canal should be extended to the vicinity of Suisun, or some other point where high ground suitable to the grade of the canal approaches nearer to tide water than it does upon the route to Cache Creek Slough, the size of all these flumes will be reduced. Their cost will be but a small part of that in the estimate on the line to Cache Creek Slough.

8. *Outlets—Sluices.*

Sluice-ways, or waste-gates, must be provided for the purpose of distributing water for irrigation, and to relieve the canal of water. The size of each one will be finally regulated by the quantity of water to be discharged through it, and its position by the form and drainage of the country contiguous. For the present, I propose one of average size, to be estimated for each mile.

	Miles.
The length of the canal from the head gates to Station No. 1,329 (on the 167th mile) is..	166 1-8
Thence to Cache Creek Slough.....	12 3-8
Making the length of the survey.....	178 4-8
The main trunk of the canal would probably be extended from Station No. 1,329.....	166 1-8
To the vicinity of Suisun, distant by the grade it would follow (rejecting 2½ miles additional for connection with tide) probably.....	22
Making the length of the canal of irrigation.....	188 1-8

The quantity of water to be distributed for irrigation is six thousand five hundred and seventy-one cubic feet per second. Dividing it by the distance, we get thirty-four and eighty-six one-hundredths cubic feet per second as the quantity to be delivered for *irrigation* by the sluices on each mile.

But the openings which would serve to deliver this quantity of water, with the full head of ten feet, would require nearly four and half days to relieve the canal of the whole quantity contained in it. Occasions may require that the canal be promptly relieved, and the sluices should be of dimensions to suit the emergency.

An opening thirty inches square is large enough when the sluice gate has to be of cheap construction and be managed by one man. If set near the bottom of canal, its discharge, with the full head of ten feet in the canal, would be about ninety cubic feet per second.

The canal is widest at the head, viz: one hundred and eighty feet on bottom, and diminishes in width to thirty-six feet at the lower end, with ten feet depth; the average section of water is one thousand two hundred and eighty square feet. The quantity in one mile is six million seven hundred and fifty-eight thousand four hundred and six cubic feet, which running under a full head would pass through an opening thirty inches square in a little less than twenty-one hours; but in draining the canal, nearly forty-two hours would be required. One sluice-way upon each mile, with four such openings, will drain the canal in less than ten and a half hours. This size and number I adopt.

There being no rock foundations for the sluices, timber must be employed. Unless we incur very great expense in sinking them deep in the ground, they will in time decay and must be renewed. It is not advisable therefore to build masonry superstructures, but to build the whole of wood, with the addition of a paving at the outlet.

9. Outlets—Overfalls.

From various causes the canal will be subject at times to an influx of water exceeding its capacity. An accident at the head, or at any one of the many points along the canal, may throw an excess of water upon a reach, which should find an escape unaided by the employés of the canal. A portion of the drainage of the country is necessarily admitted, and although it is in small returns, the aggregate may be considerable in times of very hard rains. Weirs or overfalls should therefore be established, so as to pass this water over the banks of the canal as soon as it rises above the height of ten feet. It is plain that the more numerous these wastes may be, the more safe will be the canal against accidents to its banks from the causes I have named. But their cost

limits their number and extent, which for this estimate I will confine to one for each six miles of the canal; the length of the waste to be equal to the width of the water surface in the canal opposite to it.

Generally, ridges or elevations of ground through which the canal passes may with advantage be selected as the sites of the wastes. For safety in the estimates they will be calculated at the cost of placing them on banks twelve feet high.

These overfalls will not be required until the demand for water causes the full depth of two feet to be run in the canal. Time will therefore be allowed to collect the materials for their construction and for its transportation upon the canal at the lowest rates.

10. *Crossings—Bridges.*

Ways of passing over the canal must be provided. They are not a part of the canal, but are rendered necessary by it. The more numerous they may be, the greater will be the convenience to the public. But the cost of their maintenance, as well as the interest upon the cost of construction, must be paid in the rates of tolls and water rents by the people who employ the canal. The convenience of numerous bridges will, therefore, be weighed with the cost to themselves, until the wealth and population of the country will distribute the expense amongst a great number. At present, I estimate one for each six miles in length of the canal.

To establish and maintain a ferry where the travel is great or the canal narrow, will cost more than the interest upon the cost of construction and the wear and tear of a bridge. Where the canal is very wide, the population scanty, and the passing unfrequent, a ferry may serve for a time. I have, however, thought it best to estimate bridges of cheap construction, and admitting of repair and renewal without interruption to the use of the canal.

To allow free passage to boats plying upon the canal there should be a space of twelve feet between the surface of the highest water in the canal and the bottom of the bridge. They must, therefore, be twenty-two feet high, and the earth approaches to them must rise to the same elevation.

The team towing the boat must pass under the same span of the bridge with the boat. This requires that the towing path, and a width of the canal sufficient for the passage of a loaded boat, with the minimum depth of five feet of water in the canal, be embraced in a space larger than is necessary for other spans of the bridge. By means of a wall, a track for the team is made to occupy a part of the slope of the bank under the bridge, and the top of the bank of the canal is occupied by the slope of the earth approaches, and by a bent, upon which one end of the long span rests. On account of the great size of agricultural implements used in the valley, and the great weight moved by wagons, the bridge must be of greater width and strength than is usual upon ordinary roads.

11. *Branch Canal from Station No. 341, on the forty-fourth mile to Sacramento River, and along the river to the head of Sycamore Slough.*

At the time of making the survey in the field, this auxiliary was not thought of, and was not surveyed. It was afterwards adopted in the office, as a means of reducing the width of the main trunk of the canal,

in the side hill work in Colusa County, and its capacity by a quantity equal to that of the branch. Three lines of levels across the country enable me to make an approximate estimate of the quantity of land irrigable from it, of the grade required, and of its size and cost. It will be a canal of the cheapest kind, of only two and a half feet maximum depth of water, made in part within, and in part above the ground, by an excavation scraped into banks rising one foot above the water line. It will be fordable at any point, but seven fords covered with stone, and as many bridges for footmen are estimated. No culverts will be needed. Sluices for the distribution of water for irrigation will be small, and of wood; made of the proper size and adjusted to the proper level, they will require no attention except for occasional repairs.

The construction of this branch may be made in such manner as to prevent overflow from the river of lands between the point of its intersection with it and the head of Sycamore Slough. A few miles of canal inland of the branch, and west from Colusa, will relieve and drain a large scope of flat country at present occasionally overflowed by drainage from the foot-hills. The overflowed area has an average fall of three and a half feet to the mile.

12. *Right of way—Acquisition of lands.*

At and near the head of the canal there may be a small area of land which will sustain more damage than benefit from the canal, for which compensation in money would be required. But along the route the advantages to the lands resulting from the canal will be so great that nothing more than the marketable value of the land taken would be awarded to the owner, if demanded by him. A large proportion of the lands upon the route are uncultivated and unfenced, and of a part the title is in the Federal Government, which is liberal in donations for such purposes. Making special allowance for the damage at the head, I estimated the average price of other lands at two dollars per acre.

Restricting the quantity of land to be acquired to the mere strip embraced between and covered by its banks, is always attended with inconvenience and often with loss to the proprietors of the canal. They should exercise the rights of ownership for some distance on each side. I advise that a width of ten chains be acquired, from end to end of the canal. This may be taken at eighty acres for each mile in length of the canal.

Branch canal.

A strip of land three chains wide at the head and two at the lower end, is necessary upon the branch. The average width is two and a half chains, and the quantity, twenty acres to each mile in length of the branch.

Extension to Suisun.

The excess of distance of this extension over the line to Cache Creek Slough, is twelve and one eighth miles. The average price of two dollars is applied to the branch and extension.

Plans and specifications.

A requisition is made in the Act for plans and specifications. I do not understand it as requiring, in a survey merely preliminary and experi-

mental, elaborate drawings of the various structures which will be estimated as part of its cost. A written description, which will precede and be combined with the specification, will give the plan of each, from which drawings can readily be made whenever needed. Any plan that I can now present would probably be subject to some modification, required by peculiarity, location, etc. The plans can, therefore, be only general. In like manner, the specifications will be brief and only general, and much of detail will be omitted which would have entered into them if they had been prepared for a letting of the work for construction by contract.

The term "excavation," used in the following descriptions, plans, and specifications, means the removal of earth from the trunk of the canal and its branches, and all mucking and puddle ditches, side drains, and the inlets and outlets of culverts; pits for the foundations of culverts, aqueducts, locks, flumes, and sluices; the preparation for overfalls, and the opening of channels for streams; the slope of any excavation to be made, and trimmed to the slope and form which may be found necessary for it.

The term "embankment" includes the earth filling over or against all culverts, aqueducts, locks, flumes, sluices, etc.; the filling up to bottom of canal, and the formation of the banks of the canal and its branches; also, the construction of the guard bank of the basin at Red Bluffs. It means earth, free from stones, sticks, stumps, grass, leaves, and vegetable mould, to be scraped or carted into a bed or foundation prepared for it, and to be spread in horizontal layers not exceeding six inches in depth.

The term "puddle" means earth like that for "embankment," spread in layers not exceeding ten inches in depth, made wet with water, and cut or worked with the shovel until it becomes cohesive and stiff enough to bear the weight of a man.

By "mortared masonry" is meant a compact mass of stone, or of brick, or both, of durable quality, well shaped, with fair beds and joints, and mortar made of best hydraulic cement and clean sharp sand. Every joint between two stones must be broken by the stone above it. Headers must be frequent. In a thin wall they must bind the two faces together, and in a thick wall, each face with the heart of the wall. No two stones in the work should touch each other, but be interlaid with mortar, the smallest quantity of which that will fulfil these conditions is the best. Each stone should be laid in a full bed of mortar, and be pressed into it. In all cases where embankment or puddle is to rest against a wall, it will have a batter, and will be made smooth and be plastered with mortar, if necessary. The same conditions apply to brick work, which will in all cases be of the best quality, and hard burnt.

Dry walling and paving imply, stone of as good quality as that last described and as well laid, but without dressing the beds and joints, and without mortar; the paving to be always placed on edge. Rock dike, rip-rap, or rock protection, is rough stone thrown in at the foot of a bank to prevent slides, or upon its face to prevent abrasions by water.

Timber and lumber entering into the foundations, especially of masonry and of the sluices, to be of the best quality and perfectly sound; to be square on the ends, and to be hewed or sawed so as to have true faces and joints, and when laid in the work to be water tight. Sheet piling will always be driven with close joints, and so deep that no water can pass through or under it.

WM. H. BRYAN,

Engineer.

REPORT AND PETITION
OF THE
MANAGERS OF THE MAGDALEN ASYLUM
OF
SAN FRANCISCO,

From January, 1864, to February 1st, 1868.

D W. GELWICKS.....STATE PRINTER.

REPORT AND PETITION.

To the Honorable the Senate and Assembly of the State of California :

The undersigned, managers of the Magdalen Asylum of San Francisco, beg leave to present the following report and petition :

Following the report of January, eighteen hundred and sixty-four, the number of inmates increased so rapidly that the building in Hayes' Valley then occupied was very soon found inadequate for their accommodation, so that, early in eighteen hundred and sixty-five, it became necessary to provide more commodious apartments. To this end, an eligible site was purchased in a better locality near the city, and a substantial brick building erected thereon, the grounds fenced, and other necessary improvements made, costing in the aggregate a large sum of money—about twenty thousand dollars of which was contributed by persons whose appreciation of this great work of mercy is commensurate with their generous liberality.

The increased number of inmates and consequent growing necessities of the establishment, added to the large balance due for the land and improvements above mentioned, leaves the institution heavily involved, and renders aid from your honorable body imperatively necessary if this beneficent work of charity and reformation is to be continued.

The field of usefulness is daily being enlarged, and the management can plainly see the necessity very soon of adding to the capacity of the present buildings, thereby incurring additional outlay of money.

At the last session of the Legislature the usual appropriation was withheld, and the institution, being without endowment or revenue from any source, is left to depend solely upon the means derived from the sale of needle-work executed by the inmates and the contributions of the charitable, which form but a slender basis for the maintenance of such an establishment.

The following tabular statement exhibits summarily the number of persons admitted to the institution, the date of admission, age, place of nativity, and the disposition of each :

TABULAR STATEMENT.

No.	Date of admission.	Age.	Place of nativity.	Remarks.
1859.				
1	August 29.....	46	Louisiana.....	Became insane and transferred to Lunatic Asylum, July 9, 1864.
1860.				
2	January 23.....	19	New York.....	Remaining in Asylum.
3	January 26.....	18	Virginia.....	Taken home by her aunt, January 28, 1864.
4	November 8.....	19	Germany.....	Died March 18, 1865.
1861.				
5	September 29...	14	New York.....	Remaining in Asylum.
6	September 30...	27	Ireland.....	Remaining in Asylum.
7	October 2.....	18	Pennsylvania.....	Provided with situation, October, 1863, since well married.
8	October 30.....	18	Australia.....	Dismissed as incorrigible, March 14, 1864.
1862.				
9	February 18....	19	Mexico.....	Sent to St. Mary's Hospital, October 11, 1862.
10	March 19.....	38	Ireland.....	Provided with situation, April 26, 1863.
11	April 4.....	16	Massachusetts...	Taken home by her parents, January 19, 1864.
12	June 2.....	14	New York.....	Remaining in Asylum.
13	August 5.....	16	New York.....	Remaining in Asylum.
14	August 6.....	11	New York.....	Provided with situation, November 18, 1863.
15	September 12...	44	Ireland.....	Provided with situation, November 21, 1863.
16	September 12...	10	California.....	Transferred to school by her father, Jan. 3, 1864.
17	September 13...	24	Ireland.....	Left the Asylum, March 10, 1863.
18	October 2.....	19	Louisiana.....	Left the Asylum, November 21, 1863.
19	October 25.....	11	California.....	
20	October 31.....	40	Ireland.....	Provided with situation.
21	October 31.....	20	California.....	Remaining in Asylum.
22	November 7.....	38	Ireland.....	Died July 28, 1863, in St. Mary's Hospital.
23	November 19...	10	California.....	Remaining in Asylum.
24	November 22...	14	New York.....	Removed by her father, June 19, 1863.
1863.				
25	January 3.....	22	Ireland.....	Left Asylum, July 26, 1863.
26	January 9.....	32	Ireland.....	Left Asylum, August 6, 1863.
27	February 14....	38	Ireland.....	
28	February 14....	10	California.....	Given to a good family, October 19, 1864.
29	February 27....	24	Maine.....	Left Asylum, August 29, 1863.
30	March 14.....	32	Ireland.....	Left Asylum, July 9, 1863.
31	April 14.....	14	Kentucky.....	Remaining in Asylum.
32	April 25.....	18	Pennsylvania.....	Sent to the Eastern States by her family.
33	May 9.....	32	Ireland.....	} Left Asylum, July 8, 1862—mother and child.
34	May 9.....	12	California.....	
35	May 11.....	9	Pennsylvania.....	Remaining in Asylum.
36	May 14.....	18	Pennsylvania.....	Brought to Asylum by officer, afterward ran away.
37	July 4.....	14	Massachusetts...	Remaining in Asylum.
38	July 4.....	8	California.....	Transferred from Protestant Orphan Asylum: given to a family, August 6, 1867.
39	July 6.....	26	Ireland.....	Left Asylum, July 28, 1864.
40	July 29.....	30	England.....	Left Asylum, September 11, 1863.
41	August 2.....	10	California.....	Remaining in Asylum.
42	August 3.....	15	New York.....	Left Asylum, August 27, 1863.
43	September 6...	19	Illinois.....	Left Asylum, September 21, 1863.
44	September 19...	14	California.....	Remaining in Asylum.
45	September 21...	14	Maine.....	Left Asylum, June 20, 1864.
46	September 29...	36	Ireland.....	Left Asylum, February 7, 1864.
47	September 30...	24	New York.....	Left Asylum, January 18, 1864.
48	October 29.....	17	Australia.....	Left Asylum, January 23, 1865.
49	November 15...	24	Ireland.....	Left Asylum, January 31, 1864.
50	November 15...	6½	California.....	Adopted by a good family, March 21, 1865.
51	November 26...	22	Ireland.....	Left Asylum, February 22, 1864.
52	November 26...	15	California.....	Left Asylum, December 4, 1864.
53	November 28...	18	Maine.....	Second time in Asylum: escaped Jan. 24, 1864.

No.	Date of admission.	Age.	Place of nativity.	Remarks.
54	1863. December 16....	13	Missouri	{ Brought to Asylum by Sup't of the Industrial School, Marysville; taken home by step-mother, March 10, 1864; died.
55	December 26....	11	California.....	
	1864.			
56	May 9	14	California.....	Remaining in Asylum.
57	May 27	30	Ireland	Left Asylum, August 4, 1864.
58	February 1.....	15	Illinois.....	Left Asylum, November 14, 1864.
59	February 10....	15	New York.....	Removed by her father, March 26, 1865.
60	February 17....	26	Ireland	Left Asylum, March 19, 1864.
61	March 5.....	12	California.....	Left Asylum, June 5, 1864.
62	March 22.....	23	Ireland	Left Asylum, September 19, 1864.
63	March 23.....	13	New York.....	Provided with a situation, May 31, 1865.
64	April 19.....	12	California.....	Provided with a situation, January, 1866.
65	May 9.....	14	New Jersey.....	Remaining in Asylum.
66	May 10.....	40	Ireland.....	Left Asylum, July 10, 1864.
67	May 13.....	30	England	Left Asylum, May 25, 1864.
68	July 16.....	41	Ireland	Left Asylum, September 20, 1864.
69	July 19.....	21	Virginia.....	Remaining in Asylum.
70	July 20.....	16	New York.....	Removed by her sister, July 1, 1866.
71	August 4.....	20	California.....	Sent to C. O. Asylum by order of Archbishop.
72	August 5.....	42	Ireland	Remaining in Asylum.
73	August 5.....	40	Ireland	Ran away, September 25, 1864; afterward sent to Lunatic Asylum.
74	August 27.....	22	Louisiana.....	Ran away, October 13, 1864.
75	September 3....	12	Massachusetts....	Removed by her father, December 22, 1866.
76	September 22...	13	New York.....	Removed by her father.
77	September 23...	35	Ireland	Returned home, December 10, 1864.
78	September 25....	37	Ireland	Remaining in Asylum.
79	October 4.....	17	United States.....	Went to San José, June 9, 1866.
80	October 18.....	36	Ireland	Left Asylum, December 24, 1864.
81	October 22.....	23	Pennsylvania.....	Left Asylum, June 24, 1864.
82	November 3.....	17	Illinois.....	Remaining in Asylum.
83	November 22...	17	England	Taken from the Asylum by an adopted sister.
	1865.			
84	January 1.....	16	Missouri	Taken home, January 23, 1866.
85	January 3.....	37	Ireland	Left Asylum, July 19, 1865.
86	January 5.....	28	Ireland	Left Asylum, October 3, 1865.
87	January 5.....	16	New York.....	Left Asylum, March 26, 1865.
88	January 16.....	16	Pennsylvania.....	Remaining in Asylum.
89	April 20.....	16	New York.....	Remaining in Asylum.
90	April 30.....	24	Ireland	Sent to New York to her brothers, Oct. 13, 1865.
91	March 10.....	50	Ireland.....	Left Asylum, December 28, 1864. } Mother
92	March 10.....	22	Australia.....	Left Asylum, January 4, 1865. } and child.
93	May 12.....	16	New York.....	Sent from Industrial School.
94	May 19.....	15	Louisiana.....	Sent from Industrial School; removed by her brother-in-law.
95	May 29.....	25	Ireland.....	Remaining in Asylum.
96	June 12.....	13	New York.....	Provided with a situation, October 1, 1866.
97	June 22.....	25	Canada	Dismissed.
98	July 2	45	England	Dismissed, October 2, 1865.
99	July 2	50	Ireland	Left Asylum, March 18, 1866.
100	July 3	28	Ireland	Went to New York, October 13, 1866.
101	July 5	23	Australia.....	Scaled the wall.
102	July 19.....	27	Liverpool.....	Summoned to her father's trial, Dec. 6, 1866.
103	July 27.....	15	Maine.....	Remaining in Asylum.
104	July 28.....	16	England	Taken from the Sacramento Jail at instance of Judge Holl; left October 21, 1866.
105	July 29.....	14	Massachusetts....	Left Asylum, January 3, 1867.
106	August 7	13	California.....	Remaining in Asylum.
107	August 7	20	Maine.....	Left Asylum, October 27, 1865.
108	August 25.....	16	New York.....	Left Asylum, November 28, 1865.
109	August 25.....	40	Ireland.....	Remaining in Asylum.
110	September 8....	30	Ireland	Provided with a situation, September 25, 1866.
111	September 14...	35	Ireland.....	Removed by her husband, October 19, 1865.

No.	Date of admission.	Age.	Place of nativity.	Remarks.
1865.				
112	October 12.....	14	Massachusetts.....	Left Asylum, April 25, 1866.
113	October 16.....	21	California.....	Provided with a situation, May, 1867.
114	October 16.....	13	Ireland.....	Remaining in Asylum.
115	October 17.....	11	California.....	Left Asylum, October 23, 1866.
116	October 17.....	11	California.....	Removed by her mother, November 3, 1867.
117	October 19.....	55	Ireland.....	Left Asylum, January 10, 1866.
118	October 24.....	9	California.....	Remaining in Asylum.
119	October 25.....	30	Ireland.....	Left Asylum, November 26, 1865.
120	December 30....	24	Ireland.....	Remaining in Asylum.
1866.				
121	January 2.....	13	California.....	Remaining in Asylum.
122	January 2.....	8	California.....	Remaining in Asylum.
123	January 12.....	40	Ireland.....	Left Asylum, June 29, 1866.
124	January 27.....	7	California.....	Remaining in Asylum.
125	February 1.....	20	Ireland.....	Left Asylum, March 24, 1866.
126	March 27.....	35	Ireland.....	Left Asylum, April 10, 1866.
127	March 13.....	17	Connecticut.....	Left Asylum, August 18, 1867.
128	March 20.....	19	Illinois.....	Went to friends in Oregon.
129	April 2.....	27	Liverpool.....	Taken from station-house and sent to Lunatic Asylum.
130	April 2.....	30	Ireland.....	Provided with a situation, October 1, 1867.
131	April 5.....	16	United States.....	Left Asylum, May 20, 1866; married soon after.
132	April 6.....	42	Ireland.....	Sent to County Hospital, October 20, 1866.
133	April 6.....	12	California.....	{ Provided with a situation, July 1, 1867. Sent to Boys' Orphan Asylum, July 1, 1866. Adopted, August 28, 1866. (These three, children of No. 132.)
134	April 6.....	4	California.....	
135	April 6.....	2	California.....	
136	April 10.....	35	Ireland.....	Left Asylum, October 3, 1866.
137	April 10.....	38	Ireland.....	Died, February 20, 1867.
138	April 11.....	12	Massachusetts.....	Sent to brother, (Boston,) October 30, 1866.
139	April 24.....	17	New York.....	Removed by aunt, August 30, 1866.
140	April 25.....	15	New York.....	Remaining in Asylum.
141	May 8.....	14	Massachusetts.....	Removed by mother, November 23, 1866.
142	May 8.....	16	California.....	Left Asylum, October 29, 1866.
143	May 8.....	25	Ireland.....	Left Asylum, September 10, 1866.
144	May 15.....	30	Ireland.....	Escaped, June 29, 1866.
145	May 24.....	15	Massachusetts.....	Remaining in Asylum.
146	May 20.....	32	England.....	Died, June 29, 1866.
147	June 2.....	30	Australia.....	Left Asylum, October 29, 1866.
148	June 2.....	5	California.....	Left Asylum, October 29, 1866. } Children of No.
149	June 2.....	3	California.....	Left Asylum, October 29, 1866. } 147.
150	June 4.....	17	Dist. of Columbia.	Remaining in Asylum.
151	June 6.....	37	Ireland.....	Left Asylum, January 2, 1867.
152	June 12.....	.....	New York.....	Left Asylum, June 29, 1866.
153	July 10.....	.....	California.....	Removed by mother, January 6, 1867.
154	July 13.....	23	Ireland.....	Removed by husband, August 30, 1866.
155	July 13.....	14	California.....	Left Asylum, August 30, 1866.
156	July 13.....	33	Ireland.....	Left Asylum, October 29, 1866.
157	July 20.....	22	New York.....	Remaining in Asylum.
158	July 27.....	33	Ireland.....	Left Asylum, October 13, 1866.
159	July 30.....	13	California.....	Remaining in Asylum.
160	September 5....	34	Ireland.....	Left Asylum, December 10, 1866.
161	September 24...	16	Germany.....	Remaining in Asylum.
162	September 28...	40	Ireland.....	Provided with situation, July, 1867.
163	October 2.....	3	California.....	Remaining in Asylum.
164	October 5.....	30	New York.....	Left Asylum, April 3, 1867.
165	October 20.....	14	Buenos Ayres.....	Remaining in Asylum.
166	October 21.....	25	Louisiana.....	Broke her leg, August 20, and sent to St. Mary's Hospital.
167	November 6.....	18	Massachusetts.....	Remaining in Asylum.
168	November 16...	33	Ireland.....	Remaining in Asylum.
169	December 17....	4	California.....	Remaining in Asylum.
170	December 29.....	.....	California.....	Remaining in Asylum.
171	December 31....	17	Australia.....	Remaining in Asylum.

No.	Date of admission.	Age.	Place of nativity.	Remarks.
1867				
172	January 8.....	2	California.....	Left Asylum, October 22, 1867.
173	January 18.....	32	England	Left Asylum, May 21, 1867.
174	January 19.....	11	California.....	Remaining in Asylum.
175	January 20.....	.....	California.....	Remaining in Asylum.
176	January 23.....	21	Ireland.....	Sent to County Hospital, July 13, 1867.
177	January 27.....	15	California.....	Remaining in Asylum.
178	February 3.....	35	Ireland.....	Returned home, June 1, 1867.
179	February 12.....	12	California.....	Sent from R. C. O. Asylum. Remaining in Asylum
180	February 12.....	11	California.....	Sent from R. C. O. Asylum. Remaining in Asylum
181	March 16.....	13	Sandwich Islands.	Left Asylum, August 18, 1867.
182	March 27.....	32	Ireland.....	Left Asylum, May 30, 1867.
183	March 30.....	17	Maryland.....	Sent from Industrial School, San Francisco. Remaining in Asylum.
184	March 30.....	18	Louisiana.....	Sent from Industrial School, San Francisco. Remaining in Asylum.
185	March 30.....	14	.. .....	Remaining in Asylum.
186	April 13.....	30	Ireland.....	Left Asylum, July 1, 1867.
187	April 27.....	25	Ireland.....	Left Asylum, May 27, 1867.
188	April 22.....	4	California.....	Left Asylum, July 2, 1867.
189	April 30.....	17	England	From Industrial School, San Francisco. Re- maining in Asylum.
190	May 20.....	14	Massachusetts....	Remaining in Asylum.
191	May 25.....	14	New York.....	Remaining in Asylum.
192	May 26.....	40	Ireland.....	Remaining in Asylum.
193	May 28.....	15	Massachusetts....	Remaining in Asylum.
194	May 31.....	45	Missouri	Remaining in Asylum.
195	June 12.....	17	California.....	Remaining in Asylum.
196	June 26.....	11	China.....	Sent by Chief of Police, and removed by his orders, July 23, 1867.
197	June 28.....	.....	California.....	Left Asylum, July 8, 1867.
198	July 12.....	25	Ireland.....	Left Asylum, September 29, 1867.
199	July 16.....	14	California.....	Removed by her parents, November 30, 1867.
200	July 24.....	23	Ireland.....	Left Asylum, July 28, 1867.
201	August 4.....	13	California.....	Remaining in Asylum.
202	August 6.....	14	Massachusetts....	Left Asylum, October 1, 1867.
203	August 7.....	27	Ireland.....	Left Asylum, September 1, 1867.
204	August 15.....	17	Ireland.....	Remaining in Asylum.
205	August 20.....	11	California.....	Remaining in Asylum.
206	August 27.....	40	New York	Left Asylum, December 20, 1867.
207	August 28.....	16	New York.....	Remaining in Asylum.
208	September 4....	15	California.....	Remaining in Asylum.
209	September 18...	32	Ireland.....	Remaining in Asylum.
210	September 20...	14	California.....	Remaining in Asylum.
211	September 29...	.....	California.....	Left Asylum, October 31, 1867.
212	October 17.....	36	Ireland.....	Removed by husband, November 30, 1867.
213	October 28.....	17	New York.....	Remaining in Asylum.
214	November 9.....	14	Michigan.....	Remaining in Asylum.
215	November 9.....	25	Louisiana.....	Removed by sister, December 1, 1867.
216	December 14....	50	Illinois	Remaining in Asylum.
217	December 30....	17	California.....	Remaining in Asylum.

SUMMARY.

In Asylum at date of last report	30	
Admitted since.....	187	
Total.....		217
Sent to Lunatic Asylum.....	2	
Variously provided for.....	92	
Died.....	5	
Returned to friends.....	33	
Sent away, or left incorrigible	9	
Still remaining in the Asylum.....	76	
Total		217
Discharged prior to last report.....		77
Total number admitted since the opening of the Asylum		294

The undersigned confidently hope that in view of the reformation already accomplished, and the great benefits that are to flow from the labors of this institution, that the Legislature, in its generous wisdom, will make such an appropriation at the present session as will relieve the establishment from its embarrassment and enable the management to continue and enlarge their mission of charity, mercy, and usefulness.

Respectfully submitted.

Sister MARY G. BROWN,
Superioress of Sisters of Mercy.
Sister MARY B. RUSSELL.
Sister MARY DE CHANTAL FLEMING.

REPORT
OF
SENATE COMMITTEE
RELATIVE TO
CERTAIN PROPERTY BELONGING TO THE STATE.

D. W. GELWICKS.....STATE PRINTER.

R E P O R T .

MR. PRESIDENT:—Your Committee appointed to inquire into and report to the Senate what disposition has been made of, and by whom, of the furniture, carpets, etc., belonging to the State, and which were used by the Senate and officers thereof during the last session of the Legislature, have had the subject under consideration, and ask leave to make the following report :

Your Committee have made due and diligent inquiry relative to the dispositions of the property above referred to, and have examined such witnesses as they deemed necessary to obtain the required information.

On the thirty-first day of March, eighteen hundred and sixty-six, the Senate of the State of California adopted the following resolution :

Resolved, That the schedule of furniture and fixtures furnished the Senate by the Sergeant-at-Arms, be copied into the Senate Journal, and that a copy be sent to the Secretary of State; and it is ordered that the Sergeant-at-Arms be authorized to gather up the above property, and deliver the same to the Secretary of State, and take his receipt therefor, for and in consideration of which the Controller is authorized to draw his warrant in favor of Mr. Moran, Sergeant-at-Arms, for the sum of forty dollars, which shall be in full for said services, to be paid out of the Contingent Fund of the Senate.

The schedule mentioned in the above resolution, was copied into, and may be found on page seven hundred and forty-five of the Senate Journal of the last session.

It appears from a receipt dated April third, eighteen hundred and sixty-six, and signed B. B. Redding, Secretary of State, per G. C. Garrison, that the articles named in "Exhibit C," accompanying this report, were received from John H. Moran on that day. The list of articles delivered to the Secretary of State does not comprise all the property described in the schedule furnished the Senate; but the articles missing are such as might be broken or lost in the bustle and confusion attendant on the removal of the property.

The testimony of the witnesses examined, relative to the disposition of the property delivered to the Secretary of State, is vague and unsatisfac-

tory. It appears from the testimony accompanying this report that the Secretary of State sold two carpets, for which he received one hundred and six dollars, and the amount so received was turned over to his successor, December twenty-third, eighteen hundred and sixty-seven.

It also appears that certain carpets and furniture were sent to the State Prison. The exact amount cannot be ascertained, as no inventory of the property was kept, and no receipt taken therefor. It also appears that some of the furniture was sent to the Attorney-General and Surveyor-General's offices. The amount sent cannot be ascertained.

It appears that the Senate and Assembly, Clerk, and Committee room furniture was stored together, and your Committee are unable to determine what portion of the furniture sent to the State Prison and the different State offices, was used by the Senate at the last session.

In the opinion of your Committee, the proof is conclusive that a considerable portion of the furniture used in Senate and Assembly, Clerk, and Committee rooms at the last session remains to be accounted for. The amount cannot be ascertained for reasons above stated.

An Act to provide for the care and sale of furniture and fixtures of the legislative Committee rooms, approved April second, eighteen hundred and sixty-six, (see page 774, Statutes 1865-6,) reads as follows:

"SECTION 1. The Secretary of State shall receive the furniture and fixtures belonging to the State, furnished and used by the direction of the Legislature of the sixteenth session, and shall store the same in the vacant rooms of the Capitol building for the use of the next Legislature; *provided*, that the Secretary of State may dispose of the carpets, at public or private sale, and the receipts from the sale of the same shall be returned to the Contingent Fund of the Legislature."

It appears, therefore, that the Secretary of State was authorized by law to sell the carpets, and that the disposition made by him of that portion of the furniture sent to the State Prison and the State offices, was in direct conflict with the provisions of the statute above quoted.

The excuse offered by the Secretary of State for violating the plain provisions of the law is, that the carpets and furniture sent to the State Prison was needed there, and that he acted with and by the advice and consent of the Board of Prison Directors in the matter; but although it is clearly shown that the State suffered no loss by the transfer, your Committee are of the opinion that no considerations should be allowed to induce any officer to disregard the laws he has sworn to support.

Taking into consideration the facts that some of the furniture and the carpetings used in the Legislative, Clerk, and Committee rooms, at the present session, are of a perishable nature, and that there is no suitable place belonging to the State that can be used to store such property, your Committee are of the opinion that the carpets, furniture, etc., used in the Committee and Clerks' rooms should be sold at the close of the session, and the proceeds of such sales be placed in the State Treasury. Your Committee have therefore deemed it advisable to report the accompanying bill, and to respectfully recommend its passage.

The testimony of the witnesses examined by your Committee will be found accompanying this report.

All of which is respectfully submitted,

MURCH.

TESTIMONY.

Testimony reported by the special committee of the Senate, appointed under and by virtue of a resolution adopted on the sixteenth day of December, eighteen hundred and sixty-seven, to inquire into and report upon the disposition made of the furniture, etc., purchased for and used by the Senate and officers thereof during the last session of the Legislature.

MURCH,
TWEED,
HUNTER,
Committee.

The Committee appointed by the Senate, under and by virtue of a resolution adopted January seven, eighteen hundred and sixty-eight, to inquire and report to the Senate at their earliest convenience, what disposition has been made of the furniture, carpets, etc., used by the Senate and officers thereof during the last session of the Legislature, convened January fourteenth, eighteen hundred and sixty-eight, and after appointing a clerk, the Committee proceeded with the examination of witnesses as follows:

JOHN H. MORAN, Sergeant-at-Arms of the Senate at the sixteenth session of the Legislature of the State of California, being duly sworn, said:

The inventory of furniture for Committee and Clerk rooms of the Senate, marked "Exhibit A," and which is a correct copy of inventory of furniture, etc., found on page seven hundred and forty-five of Senate Journal of the sixteenth session, is a true inventory of the furniture, etc., of the Committee and Clerk rooms at that session.

"Exhibit B" is the receipt of B. B. Redding, Secretary of State, executed by G. C. Garrison, on the day of the date thereof, for the several articles therein named. The several articles in said receipt named were by me delivered in front of the Capitol, upon the steps thereof; I think to George Whitlock, Porter of the Secretary of State's office, within two days after the adjournment of the Legislature.

"Exhibit C," I believe, contains a correct list of the furniture and carpets belonging to the several Committee rooms at the time of the preparation of the schedule referred to in resolution, and also the furniture and articles delivered to the Secretary of State, with the list of the articles missing at the time of said delivery; Mr. A. A. De Long was my clerk, and prepared the schedule of furniture and articles referred to, and he assisted me in delivering the furniture, etc., to the Secretary of State; I think Mr. De Long is now living at Woodland, in Yolo County. The witness said, in answer to the question: "Have you ever seen any of this property since its delivery to the office of the Secretary of State?" I am not sure of having seen any part of it, but I have seen at the Hotel de France, in Sacramento City, on several occasions, and quite recently, a carpet that I have been informed and believe is the carpet which belonged to the Judiciary room of the Senate at the last session, and which was by me turned over to the Secretary of State.

B. B. REDDING, being duly sworn, said:

I was Secretary of State at the date of April third, eighteen hundred and sixty-six; (and "Exhibit B" being shown to the witness, he stated:) I got the property described in the exhibit, or a greater portion of it, and my recollection is, that prior to the adjournment of the Legislature, I instructed the Porter, George Whitlock, and a man named Clock, who had been in the employ of the Legislature, to go to the different Committee rooms and take a schedule of the property belonging to the State found in them; to have teams engaged, and directly after the Legislature adjourned, to bring the property to the Capitol. They did so, with the exception of one black walnut desk, which the Clerk of the Committee desired to retain until he got his papers out of it, and that desk was afterwards obtained; Mr. Moran might have paid for the use of the teams, but he did not deliver any furniture to me; I sent and got it; when Mr. Moran obtained the receipt, we had in the Capitol building all the furniture we could find in every Committee room.

In reply to the question, "Do you know of any other furniture or property belonging to the Committee rooms other than that which you obtained at the close of the session?" the witness replied: I believe I obtained all that was left in the Committee rooms at the time of the adjournment, and of my own knowledge, I know of none that I did not get, and I have not since that time seen any furniture or articles belonging to those rooms other than that which I obtained at the adjournment of the Legislature.

In reply to the question, "What has become of the property specified in 'Schedule B'?" the witness answered: The chairs, pitchers, wash-bowls, soap-dishes, spittoons, screw-chair, coal scuttles, dusters, pen-racks, stoves and pipe, tables, gas pipe, and desks, I turned over to my successor, and they are in use by the Legislature or its Committees at present; the carpets, some I sold and turned the proceeds over to my successor; a portion of the carpets and matting, with some of the stoves and wooden-bottom chairs, upon consultation with the Governor, I sent to the State Prison, where they now are in use; I have no recollection of receiving or seeing any window curtains, or window shades, or baskets.

In reply to the question, "Why did you send this property to the State Prison? and state what property was sent," the witness replied: We had sold what of the carpets would readily sell, and the moths were getting into the remainder; the Commissary's, Clerk's, and Guard's rooms at the prison had no carpets, and rather than that they should be destroyed or sold for less than they were worth, upon consultation with the Governor I sent them to the State Prison, where they are now in use; the exact quantity I don't recollect, but there were two large dry goods' boxes filled; and all the carpets and matting, except those which I sold, the receipts for which I turned over to my successor, were sent to the prison; no other part of this furniture or property was sold by me, *except* a portion of the carpets and matting, the proceeds for which were turned over to my successor, and an account of these sales can be given by Mr. Garrison, who was my clerk, and who made the sales and received the money.

Pending the taking of Mr. Redding's testimony, the Committee adjourned to meet again at the same place on to-morrow at two o'clock P. M.

JANUARY 15th, 1868.

The Committee met pursuant to adjournment.
All present.

Examination of B. B. REDDING, resumed.

In relation to turning over this property to my successor, when the teams came with the property the morning after the adjournment, all the property gathered from the various Committee rooms of the Senate and Assembly was piled up together in the vestibule of the Capitol building; it was there sorted out; stoves, and carpets, and matting were taken down into the basement of the building; all the other property was carried up stairs and placed in the room used as the lumber room, and the balance of it was placed in the room used at the last session by the Journal Clerk of the Assembly; there it remained until just prior to the meeting of this Legislature, when it was given to Boardman, with the furniture of the Senate and Assembly, to be revarnished and refitted for the use of the present Legislature. Not having a room in his shop to contain it, he hired the building on I street formerly occupied by Gillig, Mott & Co., in which to repair and put it in order; that portion of it belonging to the Senate and Assembly was returned, and such other portion of it as could be conveniently stored in the Capitol building; all of it could not be stored back where it was taken from, as the room was wanted for the use of the Assembly Clerks; the balance of it remained in this building, by the consent of Boardman, subject to the order of Dr. Nichols, who has since taken possession of it.

In reply to the question, "Why did you send the property to the prison that was sent there?" the witness replied:

Because the carpets, which could not be sold, were getting to be moth-eaten; because I had no place to store the stoves, except in the basement of the Capitol, which was so damp that they were being destroyed by rust; because they needed chairs at the prison, and had the labor there to repair those that were damaged; because the property could be better cared for there than I could care for it; and because, as one of the State Prison Directors, I thought that that much property could be saved to the State that would otherwise go to waste. I stated my intention to the Governor and Lieutenant-Governor, who concurred with me that this was the best disposition to make of this property; this property is still in existence, and, less the use made of it, can be returned in better condition than when it was sent to the prison.

(The witness here presented a receipt from his successor for one hundred and six dollars, proceeds of sales of carpets made by him belonging to the State.)

When officers belonging to the different State departments required furniture, desks, or tables, or other office furniture, it was my duty under the law to procure such furniture and certify the account, payable out of the Stationery, Light, and Fuel Fund; when I could induce them to do so, I gave them the Committee room furniture instead of purchasing new furniture.

Committee adjourned to January sixteenth, at three o'clock P. M.

JANUARY, 16th, 1868.

Committee met pursuant to adjournment.
All present.

GEORGE C. GARRISON, being duly sworn, said :

I was Clerk to the Secretary of State, April third, eighteen hundred and sixty-six; the instructions that Mr. Redding gave us was to have a certain number of teams and men ready for the purpose of securing the furniture of the various Committee rooms of the Senate and Assembly; this was complied with, and the furniture brought to the building, (that is, the Capitol building.) I have no means of knowing what particular furniture belonged to the Senate or Assembly, but simply received it as the property of the State.

(The witness was here shown a paper marked "Exhibit B," purporting to be a receipt from him to the Sergeant-at-Arms for furniture, etc., and he stated that the same was given by him to the Sergeant-at-Arms.)

The witness then proceeded to state as follows: On April fourth, eighteen hundred and sixty-six, I sold a piece of carpet, supposed to contain about forty-five yards, for forty dollars; April fourteenth, eighteen hundred and sixty-six, I sold to McManus a piece of carpet that was in Journal Clerk's room, corner of Seventh and I streets, for twenty dollars; and about the same time sold a piece to William B. Hunt, of Sacramento, containing about forty-six yards, for which I received forty-six dollars.

Adjourned, subject to the call of the Chairman.

JANUARY, 17th, 1868.

Committee re-assembled.

Present—Messrs. Murch and Hunter.

Absent—Mr. Tweed.

T. MAHONEY, being duly sworn, said :

In my capacity as guard at the State Prison, I have accidentally seen shipments of furniture, consisting of window curtains, carpets, and stoves, which came from the Secretary of State; I recollect of having seen two stoves and a quantity of carpeting, and I saw some twenty chairs, which I always supposed came from the Secretary of State; also, I think this was about one year ago.

Committee adjourned, to meet at the call of the Chairman.

JANUARY 18th, 1868.

Committee re-assembled. All of the Committee present.

GEO. W. WHITLOCK, being duly sworn, said :

During the last session of the Legislature, and up to the commencement of the present, I occupied the position of Porter of the Secretary

of State's office; there was furniture delivered to the Secretary of State as coming from the Senate Committee rooms, by the expressman, but I don't know whether it was sent by Mr. Moran or not; I got the furniture from one room, under the direction of Mr. Redding; the rest of the furniture was received from the expressman as before stated; at the time I kept a list of the furniture delivered by myself and the expressman, but I have lost the list and can't find it; I did not furnish any copy of the list to the Secretary of State; I attended to the storing of the furniture, and the Committee room furniture of the Senate and Assembly was kept together, but separate from the furniture of the Senate and Assembly Chambers.

(The witness, on being shown "Exhibit B," said: I think that the articles herein contained were delivered to the Secretary of State at the time referred to.)

In answer to the question, "Do you know what became of that furniture?" the witness said: I do; two desks and chairs I sent to the State Prison; I think I sent five stoves; I sent all the carpets, with the exception of two carpets that were sold by the Secretary of State, and sent three or four sets of curtains to the prison, also, including those named in "Exhibit B;" a small portion of the Committee room matting was kept, to be used about the passages of the Capitol building, and the balance of it was sent to the prison; these articles were sent to the prison in two different lots, and at two different times; the carpets and some other articles were sent about one month or two after the adjournment of the last Legislature, the remainder of the articles were sent last summer; I know of the time of the sale of the carpet to Wm. B. Hunt, of Sacramento City, and of one carpet to A. B. Hunt, of Santa Clara; I know of no other carpets being sold, except those two; there is still some of the property from these Committee rooms in use at the Capitol, consisting of chairs and tables in the Senate chamber, and tables in the rooms of the Sergeant-at-Arms of the Senate; I think that some of these chairs belonging to the Committee rooms have been sent to the office of the Attorney-General; they sent from the Adjutant-General's office for furniture; I took the messenger to the rooms where the furniture of the Committee rooms of Senate and Assembly was stored, and showed him the furniture; none of it was then taken, but I understood that portions of it was selected for the Adjutant-General's office and sent there; I don't know of the particular furniture that was sent there; there was also furniture sent to the Surveyor-General's office from these same rooms; I took a messenger to the rooms, showed him the furniture, and understood that portions of it was taken to that office, but was not present at its delivery; the State Printer also had a desk, but it was returned before the meeting of the present Legislature; I have never seen any of this property in the hands of private parties other than has been stated heretofore, except on one or two occasions when it has been loaned to festivals and returned; it has been the custom of the different State officers to send for furniture to the office of the Secretary of State, and whenever there has been furniture there not in use, such as they wanted, they were allowed to take it; I had charge of this property from the time of the adjournment of the last Legislature up to the meeting of the present one, as Porter of the Secretary of State's office; the property sent to the State Prison, and that delivered to the different State officers, was so sent and delivered by order of the Secretary of State.

JAMES J. GREEN, being duly sworn, said :

During the last session of the Legislature I was Acting Warden of the State Prison, and since that time and up to last November I have been Prison Commissary and Acting Warden; some time from a month to three months after the adjournment of the last Legislature, there was a large lot of carpeting, several window curtains and green shades, a large quantity of cocoa matting, about two dozen chairs, and perhaps some other articles sent to the State Prison; I am not sure that all of these articles were received at the same time; they might have been received at different times; the articles sent were generally such as were needed for use at the prison; a portion of the carpeting was used for carpeting the Commissary's and Clerk's offices and guard rooms.

In answer to the question, "How those articles came to be sent there?" witness said: It was at my suggestion to the Secretary of State and the Board of State Prison Directors, (all three being present,) that I thought it was necessary to have such articles as above named if they could be spared from the Capitol, as it would save the State the expense of purchasing the same; I gave no receipt for the articles named by me as being received from the Secretary of State, as that officer did not demand one; I only wrote to Whitlock, letting him know that the articles had arrived at the prison; I did not make nor keep a memorandum of the articles referred to.

WM. B. HUNT, being duly sworn, said :

I live at Sacramento, and keep a public house known as the Hotel de France.

Question—Have you obtained any carpeting or other property from the Secretary of State within the past two years, or since the adjournment of the last Legislature? if so, state what the property obtained was, and the terms upon which it was obtained.

Answer—I bought of B. B. Redding, late Secretary of State, a piece of carpeting containing about forty-six yards, in the summer of eighteen hundred and sixty-six; I paid him one dollar a yard for it; I have neither purchased nor obtained from said Redding any other article of property since the last session of the Legislature; I have obtained no other article of property since the last session of the Legislature that has come from the Capitol; I have not now, and have not had in my house within the last two years, any article of furniture or property except the carpet above named, that I know or have reason to believe was used in any of the Senate Committee rooms during the last session of the Legislature; I have not, during the last two years, seen any other article of furniture or property, either at my house or elsewhere, that I have reason to believe was used in the Senate Committee rooms during the last session of the Legislature.

EXHIBITS REFERRED TO IN THE FOREGOING REPORT AND TESTIMONY.

“EXHIBIT A.”

Inventory of Furniture for Committee Rooms of the Senate.

ROOMS OF THE JUDICIARY COMMITTEE.

One carpet, one stove and pipe, two sets window curtains (damask,) two sets cornices and tassels and cord, three tables, ten spittoons, fifteen steamboat chairs, one patent screw chair, wash stand, pitcher and bowl, one water pitcher, half dozen tumblers, feather dusters, brush, pans, broom, coal hod, one shovel, water pail, four towels, one hat rack.

ROOMS OF THE ENROLLING CLERK.

One stove and pipe, six tables, one dozen chairs, coal hod, shovel and poker, half dozen spittoons, one water pail, two carpets.

ROOM OF THE ENGROSSING CLERK.

One carpet, one stove and pipe, six chairs, one table, one broom and duster, one dust pan, one writing desk, wash stand, soap dish, wash bowl and pitcher, one water pitcher, three tumblers, four spittoons, one damask curtain and cornice, six baskets.

ROOM OF THE COMMITTEE ON MINES AND MINING.

Four tables, one wash stand, three pitchers, one wash bowl, ten tumblers, eighteen spittoons, one carpet, twenty-seven chairs, two water pails, one mirror, one roller for towels, six towels, two brooms, one feather duster, two dust pans, coal hod and shovel, one stove and pipe, two hat racks.

ROOMS OF THE JOURNAL AND COPYING CLERKS.

Three carpets, three writing desks, one table, two stoves and pipe, ten chairs, two stools, seven spittoons, five gas burners and pipe, wash stand, pitcher and bowl, soap dish, one water pitcher, four tumblers, two coal hods and shovel, broom, duster and pan, two stands, one water pail.

“EXHIBIT B.”

Received from John H. Moran, the following named articles of furniture purchased for Senate Committee Rooms.

Twenty chairs, two pitchers, one wash bowl, one soap dish, one carpet, seven spittoons, two damask curtains, one shade, one patent screw chair, one dust pan, one broom, one duster, one work stand, one pen rack, six tables, nine spittoons, three chairs, two carpets, two baskets, one coal scuttle, one shovel, three inkstands, one calendar, twenty chairs, one mirror, ten chairs, sixteen spittoons, one wash stand, one duster, one broom, one coal scuttle, three pitchers, one bowl, two dust pans, one calendar, two pen racks, one carpet, four tables, ten glasses, three stoves and pipe, one carpet, one stove, one table, six chairs, one set of curtains, wash stand, and one bowl and pitcher, two spittoons, one table desk, one table, one desk, one stove and pipe, one chair, one stool, one platform, one coal scuttle, two spittoons, one rest-board, one carpet, three window shades, gas pipes and burners, one table, one coal scuttle, one pitcher, two carpets, one stove and pipe, nine chairs, one stove, two desks, five spittoons, one window shade, one broom, one piece of zinc.

Sacramento, April 25th, 1866.

B. B. REDDING,
Secretary of State,

Per G. C. Garrison.

"EXHIBIT C."

No.	Inventory.	Receipts	Missing.
8	Carpets	8	
6	Stoves and pipe.....	6	
3	Window curtains.....	4	
70	Chairs.....	69	1
1	Chair, screw.....	1	
15	Tables.....	13	2
45	Spittoons	41	4
23	Tumblers	10	13
9	Pitchers.....	7	2
4	Wash stands.....	3	1
4	Wash bowels.....	3	1
3	Feather dusters.....		3
5	Coal hods.....	4	1
4	Shovels.....	1	3
1	Poker		1
5	Buckets.....		5
3	Brushes.....	2	1
5	Pans	3	2
5	Brooms.....	3	2
10	Towels.....		10
3	Hat racks.....		3
5	Gas burners and pipes.....	4	1
4	Writing desks.	4	
6	Baskets	2	4
1	Towel roller.....		1
1	Mirror.....	1	
1	Rest board.....	1	
	Stools.....	2	
	Platform.....	1	
	Window shades.....	5	

"EXHIBIT D."

Received, Sacramento, December twenty-third, eighteen hundred and sixty-seven, of B. B. Redding, late Secretary of State, (by the hand of G. C. Garrison,) the sum of one hundred and six dollars, (\$106,) proceeds of sales of carpets made by said Redding, belonging to the State.

H. S. NICHOLS,
Secretary of State.



REPORT

OF

JOINT COMMITTEE PROCEEDINGS

RELATIVE TO THE

STATE HARBOR COMMISSIONERS.

D. W. GELWICKS.....STATE PRINTER.

LEGISLATIVE DEPARTMENT, STATE OF CALIFORNIA, }
County of Sacramento, December 11th, 1867. }

I hereby certify that the following are true and correct copies of resolutions which have been adopted by the Senate and Assembly of the State of California :

Resolved, By the Senate, the Assembly concurring, that a Joint Committee consisting of three of the Senate, to be named by the Chair, and four of the Assembly, be appointed to inquire into and investigate the proceedings of the State Harbor Commissioners, and make report thereon to the Senate and Assembly, respectively, with such recommendation as the Committee may deem proper, and that such Committee have power to send for persons and papers.

Resolved, By the Senate, the Assembly concurring, that the Joint Committee of the two Houses appointed to inquire into and investigate the proceedings of the State Harbor Commissioners and make report thereon, be, and they are hereby authorized to appoint a Sergeant-at-Arms, a Clerk, and such other assistants as they may deem necessary.

JOHN WHITE,
Secretary of the Senate.



REPORT.

To the Honorable the Senate and Assembly of the State of California :

The Joint Committee appointed by your honorable bodies, pursuant to the joint resolution hereto annexed, to "inquire into and investigate the proceedings of the State Harbor Commissioners and make report thereon to the Senate and Assembly, respectively, with such recommendations as the Committee may deem proper," beg leave respectfully to say: That they have had under consideration the subject matter mentioned in said joint resolution, and being fully advised thereon, they now beg leave respectfully to report :

That your Committee was organized on Monday, January thirteenth, eighteen hundred and sixty-eight, and held their first session at the office of the State Harbor Commissioners, in the City of San Francisco, and that they have continued their sessions daily from the time last mentioned up to and including the twenty-second of January, A. D. 1868. That your Committee found it necessary to procure a Clerk and Sergeant-at-Arms, also one Expert for the special purpose of examining the books of account pertaining to the office of said Commissioners; and your Committee show to your honorable bodies that in the course of the investigation and inquiry contemplated by your joint resolution, the duty devolved upon them of making a thorough and complete examination into all the contracts and leases made by the said Harbor Commissioners from the date of the organization of the Board up to the present time. Your Committee further show, that in the performance of this duty they have carefully examined the records of said office and have there found documentary proofs that each and every lease and contract made by the Board has been duly advertised as required by law, before the same were awarded or executed; and that in all cases the said leases and contracts have been open to the fair competition of bidders, and that in every instance such leases or contracts have been awarded to the bidders contemplated by law. The circumstances under which these leases were made are particularly set forth in "Exhibit F," filed herewith, to which reference is respectfully made.

Your Committee further show, that in making the inquiry and investigation mentioned in the joint resolution, that they have availed themselves of much oral testimony, which has been reduced to writing, and

is herewith filed and marked Exhibits Nos. 1 to 19, inclusive; and they further show that subpoenas were issued for thirty-seven witnesses, of whom three were returned not found.

Your Committee further show, that upon entering upon the discharge of their duties, vague rumors of malfeasance in office and improper conduct, on the part of the Harbor Commissioners, reached the ears of your Committee, and it became their duty to diligently search for the authors of these rumors in order that your Committee could direct their inquiries to some specific point, or to some particular member of the Board. But your Committee show, that although they have so searched, they have been unable to learn that the Board, or any member thereof, has at any time been charged with any specific act of improper conduct, and your Committee are convinced that these general rumors are entirely without foundation.

By reference to the testimony, it will be seen that a large number of the lessees and contractors have been examined, and that in every instance it appears that these leases and contracts have been made in the manner pointed out by law; that the *bona fide* and true consideration leading to the making of these leases and contracts, and the whole of such consideration, is truly stated in the leases or contracts respectively; that the bids for these contracts and leases, have at all times been received by the Board, properly sealed according to law, and were not opened until the time fixed by the advertisement, at which time all competing bidders were notified to be present, when the successful bidder or bidders were regularly declared in public, and the award publicly made; that the negotiations for the procurement of the same have been made directly with the Commissioners, and not by or through the agency of brokers or middle men, and that no member of the Board has at any time been subject to any improper influence in the making of such leases or the award of such contracts.

Your Committee further show, that from a careful examination of the leases and contracts, they are convinced that the Board have at all times carefully guarded the interest of the State, by the insertion of such conditions and provisos as would tend to relieve the State from the burden of expenses, and at the same time preserve the property in good order on its reversion; and your Committee believe that the prices at which these contracts have been let, and the rents reserved in these leases, are the best that the Commissioners could obtain for the benefit of the State, and that all of such contracts and leases have been entered into by the Board with wisdom and prudence, and that their operation is such as must result in benefit to the State.

Your Committee further show, that it appears in testimony that no member of the Board has at any time been interested personally, either directly or indirectly, in any of the leases or contracts made by the Commissioners, or in the profits derived or to be derived from either.

Your Committee further show, that the public funds in the custody of the Board have at all times been disbursed as directed by law, and that no portion of the same have in any manner, at any time, been used for any private purpose whatever. That the office of the Commissioners has at all times during proper business hours been open, and the books, plats, plans, vouchers, and accounts pertaining to said office, have ever been accessible to the public generally.

Vouchers for the receipts of the office are in all cases on file, and are regularly signed by the Payer and the Secretary of the Board, and

vouchers for the disbursements of the office are in all cases on file and signed by the payees.

The quarterly report to the Secretary of State and a monthly report to the Controller of State, have been regularly forwarded as required by law; and although the statute does not require it to be done, the Secretary, under the direction of the Board, has furnished a monthly statement of the receipts and disbursements of the office to the public press.

Bonds have in all instances been required of the Wharfingers and Toll Collectors, and are now on file in the office of the Secretary of the Board.

General rules and regulations for the government of Wharfingers and Toll Collectors have been adopted by the Board, and at all times have been strictly enforced. A copy of these rules and regulations are filed herewith, and are marked "Exhibit E."

With regard to the books of account of the Board, your Committee respectfully show that they deemed it expedient to secure the services of M. Scott, Jr., an experienced accountant, as an expert for the purpose of examining the same; that the said expert has been daily engaged in making such examination, and has filed with your Committee a preliminary report, which is herewith filed and marked "Exhibit G," showing that the aggregate receipts of the Board from the fourth day of November, eighteen hundred and sixty-three, to the first day of January, eighteen hundred and sixty-eight, amount to the sum of eight hundred and sixty-nine thousand four hundred and seventy-seven dollars and fifteen cents, and that the aggregate disbursements during the same period amount to the same sum, of which latter sum two hundred and seventy-three thousand eight hundred and sixteen dollars and twenty-eight cents has been paid into the State Wharf and Dock Fund, and three hundred and fifty-five thousand six hundred and forty-two dollars has been paid into the Harbor Protection Fund; that since these payments have been made into the said funds, the Commissioners have drawn orders on said funds respectively for the following amounts, to wit:

State Wharf and Dock Fund.....	\$243,836 71	
Harbor Protection Fund.....	28,616 00	
Otherwise expended by the Board.....	240,018 87	
Total expenditures of the Board.....		\$512,471 58
That there remains in the respective funds the following amounts:		
State Wharf and Dock Fund, to January, 1868	\$ 29,979 57	
Harbor Protection Fund, to January, 1868...	327,026 00	
		357,005 57
Total.....		\$869,477 15

The vouchers attendant upon the daily and general cash account of the Board number five thousand eight hundred and seventy-three, and these have been carefully examined to test the correctness of the entries upon the cash books, and the time expended upon this examination has prevented the expert from giving more details in his report, showing the

particular objects or accounts for or upon which these expenditures have been made.

The expert reports that the books, accounts, and all matters pertaining to the office are kept in neat, clear, and systematic order, and that as yet he has been unable to discover any error. And it is suggested that if a more detailed statement is required, that he be directed by your honorable bodies to proceed to a further examination, and make a full report.

Your Committee further show, that they have carefully examined the merits of the plan adopted for the construction of the sea wall, the specifications for building the same, the "Report of Thaddens R. Brooks, Civil Engineer, and Table of Soundings along the water front of the City of San Francisco," the profiles made by Thaddens R. Brooks, Civil Engineer, for the purpose of determining the depth of water, depth of mud, and the character of the foundation upon which the mud rests. That in making this examination they have called to their assistance the valuable aid and counsel of the most distinguished practical and professional engineers in the State; and your Committee have great pleasure in stating that upon their invitation Major-Generals Halleck, Alexander, and Rosecrans; Colonel Ransom, Thaddens R. Brooks, and Colonel W. Lewis, appeared before them to give their opinions, as experts, touching the merits of the plan of the sea wall adopted by the Commissioners, and also relative to the material used in the construction of the same.

That your Committee personally examined the structure, the material of which it is being made, and the quarry from which said material was taken, and that they are clearly of opinion that the plan adopted is perfectly safe; that the work, when constructed, will be durable and is well calculated to answer the purposes designed, and that the same is the best and cheapest plan that could be adopted, under all the circumstances. That the work upon said wall has been performed in strict accordance with the specifications before spoken of, which specifications are herewith filed and marked "Exhibit H." That the material used in the construction of the embankment for said sea wall is taken from Telegraph Hill, in the City of San Francisco, and that the same is, in the opinion of your Committee, and that of all the distinguished engineers before named, suitable for the uses to which it is devoted; that the same is not soluble, and that it is of sufficient specific gravity to insure a permanent and secure barrier or wall for the protection and preservation of the harbor and city front. That all of these opinions of your Committee are based on personal examination, and upon information received from the distinguished civil engineers before named, who approved of the plan adopted and material used, and who, with the exception of Major-General Alexander, were of opinion that the plan adopted was the best, safest, and cheapest that could, under all the circumstances, be resorted to.

Major-General Alexander expressed an opinion that the structure might possibly slide outward into the bay, but whilst he thought it possible, he did not apprehend any considerable danger of such slide ever taking place.

He was likewise of opinion that in building said embankment, that it would be better to commence filling in on shore and fill outward to the proposed line of the sea wall, but in these opinions he was not supported by his co-experts, who were clearly of opinion that no danger of an outward slide was to be apprehended, and that it was more economical and equally safe to commence filling in on the embankment at a point immediately beneath the centre of the proposed wall, so that the compress

mud which would be retained in rear of the wall would serve as filling, for which purpose they were of opinion it would well answer. It appeared, also, that this lower strata of mud was of a tough character, and that the superincumbent filling would gradually compress the same into a substance of sufficient solidity to exclude all danger arising from the seeping of fluids through its pores, and to support firmly the superincumbent filling, and all additional weight that the wants of commerce and the uses for which it is designed, would require to be placed thereon.

The work of constructing the sea wall is being vigorously prosecuted by A. H. Houston, the contractor, under the supervision of Colonel W. J. Lewis, the Civil Engineer, who is the author of the plan adopted by the Board. The Commissioners deemed it prudent to secure the services of Colonel Lewis to supervise the work projected and planned by himself, and your Committee entirely concur in the opinion that his supervision is necessary to secure to the State the proper completion of an undertaking of such magnitude. The statutes of the State make no provision for compensating Colonel Lewis for his services in this respect, and he has already, under the understanding that the Commissioners would bring this matter to the attention of your honorable bodies, performed valuable service to the State without any compensation whatever.

Your Committee further show, that they have had under consideration the question of the propriety and necessity of increasing the present number of the members of the Board, and that from a careful investigation of the duties of the office, as derived from information within the reach of your Committee, they are of opinion that there is no public necessity for such increase.

Your Committee find, that although it is requisite that the Board should be constituted as at present, in order to preserve the checks necessary upon the action of individual members of the Board, that the duties of the Board could well be performed by a less number, and that the actual labor of the office is by no means onerous.

Your Committee further show, that the duties of the office of Secretary of said Board are quite onerous, and that the labor attending the discharge of the same is greater than can be performed by one individual; that the position of Secretary is one of great responsibility, and that your Committee believe that it is necessary to the proper conduct of his office that he be allowed the services of an assistant.

And your Committee further show, that the rooms now occupied by the Commissioners as the office of the Board are unsuitable for that purpose; that they are situated in the third story of a building at the corner of Pine and Montgomery streets; that the archives of the office are in danger of destruction by fire, and your Committee are of opinion that other accommodations should be provided, and especially they deem it absolutely necessary that there should be furnished a fire-proof vault for the preservation of the books and records of the office.

Your Committee have sought information upon the subject of the propriety of reducing the rates of charges now being collected as dockage upon vessels lying at the wharves of the port of San Francisco, and the rates of wharfage and tolls on merchandise passing over the said wharves. Dockage is the charge made daily against a vessel according to her tonnage, for the privilege of lying at the wharf while discharging and receiving cargo. Full rates are charged whilst the vessel is discharging, and only half rates whilst she is receiving cargo. Wharfage

is the amount charged on any incoming merchandise lying upon the wharf beyond a certain number of days. Outgoing merchandise is never charged wharfage, and toll is the amount charged the driver of the vehicle carrying said merchandise upon or from the wharf.

Your Committee have been unable to procure reliable data upon which to compare these charges at the port of San Francisco with similar charges in Eastern ports, but your Committee learn that dockage is charged in the port of San Francisco only from the time a vessel commences discharging cargo, and not from the time she makes fast to the wharf. Dockage here is greatly in excess of that charged in the port of Boston, but whilst this is the case, the wharfage at the port of Boston, (which term includes that charge which is here denominated tolls,) greatly exceeds, and perhaps quadruples the aggregate of the wharfage and tolls charged at the port of San Francisco. The schedule of wharfage at the port of Boston particularly expresses the kinds of merchandise upon which the charges are made; whether it be boxes, bales, bundles, bags, barrels, crates, cases, or mats, and their contents, at so much per package. Here, if the merchandise is not allowed to remain upon the wharf beyond a certain number of days, it is not subject to any charge whatever save for tolls. These tolls, as before stated, are simply a charge against the vehicle carrying the merchandise upon and from said wharves. Under the operation of the existing law, it is difficult to determine, with any degree of certainty, the rate of tolls per ton that is now being collected; but your Committee learn that drivers of large drays and trucks, carrying from five to seven tons, and drawn by three or more horses, are in the habit of detaching, at or near the gate of the wharf, so many of their animals as are not necessary to the propulsion of their loads, and that frequently these large amounts of merchandise pay only tolls as upon a vehicle drawn by a single horse.

Your Committee further learn, that when a shipper is sending or a consignee is receiving any considerable quantity of merchandise on these wharves, that no charge is made upon any fraction of a ton less than one-fourth; they further learn, that the whaling fleet are charged only half rates of dockage and tolls, and that these vessels are now charged wharfage, their cargoes of oil being usually transhipped across the wharves into Eastern bound vessels.

The schedule of rates of dockage, wharfage, and tolls, now being charged is hereto annexed, and marked "Exhibit I." Your Committee are of opinion that these rates are necessary to be preserved in order that the work of constructing the sea wall may be prosecuted to completion; that from the best information within their reach, they believe that the said work cannot be completed under the existing law in a period of less than ten years, and that if the said rates are materially reduced that it will be requisite to provide other funds for carrying on that work.

Your Committee, in this connection, respectfully refer your honorable bodies to the statement of S. S. Tilton, President of the Board of Harbor Commissioners, herewith filed, and marked "Exhibit J."

Your Committee are further of the opinion, that it is for the best interests of the State that all of said wharves and water front should be retained by the Commissioners, and the affairs thereof be by them administered, except only such wharves and so much of said front as may be necessary for the accommodation of the ferries, steamship, and other permanent lines.

In conclusion, your Committee respectfully submit that the Board of State Harbor Commissioners have faithfully, intelligently, and prudently

discharged all the duties of their said office; that the plan adopted by the said Commissioners for the construction of said sea wall is safe, and the best and cheapest that could, under the circumstances, be adopted; that the work on said wall is being faithfully prosecuted and performed according to the specifications accompanying the plan and contract; that the material of which the same is being constructed is durable and well calculated for the work designed.

Your Committee therefore respectfully recommend that the said plan and specifications be in no wise changed or altered. That the number of members of the Board of Harbor Commissioners be not increased. That the rates of dockage, tolls, and wharfage now established by law be not decreased. That the Board of Harbor Commissioners be furnished with other and more convenient offices, and particularly that they be provided with a fire-proof vault for the safe keeping of the archives of the office. That the Secretary of the Board be provided with an assistant, and that provision be made for the payment of the Civil Engineer superintending the work of constructing the said sea wall.

All which is respectfully submitted.

CURTIS,
LEWIS,
CONLY,

Of the Senate.

BROWN, of Tulare,
MOORE,
SCUDDER,
ROLLINS,

Of the Assembly.

“EXHIBIT F.”

OFFICE BOARD OF STATE HARBOR COMMISSIONERS, }
San Francisco, January 21st, 1868. }

Hon. N. GREENE CURTIS,
Chairman of Investigating Committee :

DEAR SIR:—During my examination as a member of the Board of State Harbor Commissioners, you requested me to give in writing a narrative in detail, setting forth the reasons governing the Board in making the leases which have been executed to various parties during the existence of said Board, covering a period of more than four years.

In complying with your request, I shall proceed to take up said leases in detail, commencing with those first executed by the Board, embracing that portion of the water front along the outer line of East street, from the southerly line of Market street to a line two hundred and seventy-five feet north of the northerly line of Folsom street, a distance of about thirteen hundred and seventy-five feet. This portion of the water front is exclusively occupied by persons engaged in the lumber business, and is divided into lots of forty-five feet ten inches by one hundred and thirty-seven and one half feet, and is a portion of the property known as water front property, each lot having a frontage of forty-five feet ten inches on

Stewart street and the same on East street; depth, one hundred and thirty-seven and one half feet.

A great number of these lots are owned by the parties in occupation, the others by lessees of the owners; and all of the improvements upon the property, as well as upon East street, were made by the owners or lessees, and had been occupied for several years and had never paid any revenue to the city or State.

In advertising said water front, the Commissioners, being desirous of giving the parties owning and occupying the lots an opportunity to secure the frontage to the same for the accommodation of their business, advertised to receive bids for each lot separately for the term of three years. The bids received in response to the first advertisement being only twenty-five dollars per month, were considered by the Board as too low and were rejected; and as it was impossible to control the frontage, the streets not being built and no access thereto being possible except across private property, it was determined to re-advertise, and the bids made in response to the second advertisement being fifty dollars per month, were accepted and leases made accordingly to the parties making said bids, each lease covering the number of lots bid for, and owned or occupied by the bidders, respectively. By making said leases, the State received a revenue of about one dollar and ten cents per lineal foot per month, where no revenue could have been obtained in any other way without a large outlay of money, which at the time the Board were unable to make. All of those leases having expired, the frontage has been again advertised and bids received for two years, which are now under consideration by the Board.

The Board are now making estimates of the cost of building the outer half of East street, for the purpose of determining whether it will not be more to the interest of the State to build than to lease, and if, in the opinion of the Board, the revenue can be increased sufficiently to warrant the expenditure, the work will be performed and no further leases granted. In the meantime the parties are paying as wharfage the same amount as heretofore paid for rent.

In all the leases referred to above, the lessees are obligated to make all repairs at their own expense, and turn over to the State all improvements upon the State's property at the end of the term.

MAIN STREET—RISDON & PLUMMER.

Next in order in our report to the Governor, comes the lease of the outer half of Bryant street, to Risdon & Plummer, made for a period of three years, at a rental of two hundred and fifty dollars per month.

The circumstances under which this lease was made, are as follows: The lessees, as owners of the property bordering upon the water front as above described, had piled and capped a portion of said property, and in doing so had projected the improvement beyond the outer line of Bryant street, contrary to law and without the consent of this Board. Upon the same being discovered, the Board ordered a survey to be made, which showed the structure to be about twenty-seven feet at one corner and a few feet at the other, as near as I can recollect, beyond the line, and the parties were ordered to remove so much thereof as extended beyond said line. After notice, the parties requested a lease of the front and desired that the structure might stand as built, as a vessel could lay at the front as it then was, being built to correspond with the current, better than if it were removed. The Board declined to accede to their request or make

any terms with them until they had removed so much of their structure as they were ordered to remove, which was, after some delay, accomplished.

The Board was then requested by them to advertise the frontage, in order that they might obtain a lease and be secure in the enjoyment of the improvements there made and contemplated.

In discussing with them the value of the frontage, one member declined to accept any bid for a less sum than two hundred and fifty dollars per month, and as the law required the unanimous consent of the Board to make the lease valid, the parties were compelled to bid that amount or lose the use of their improvements. The lessees protested against what they called an arbitrary proceeding, and that the amount was entirely in excess of the value of the frontage to them, but as they were trespassers upon the rights of the State they concluded they could not help themselves, they made their bid and obtained their lease, they being the only bidders therefor, the frontage having been previously advertised according to law.

If they had not built beyond the line of their private property they would not have been obliged to recognise this Board at all, and it could not have deprived them of the use of the front without a heavy outlay, which the small amount of business in that locality would not warrant. In the above lease the lessees agree to make all repairs and turn over to the State all improvements upon the property of the State at the expiration thereof.

SPEAR AND BRYANT STREETS—TO BAKER & HATHAWAY.

Next in order comes the lease to Hathaway & Baker of a portion of the outer half of Spear street, between Harrison and Bryant streets, and the outer half of Bryant street, between Spear and Main streets, at a rental of one hundred and fifty dollars per month for the term of three years, after duly advertising according to law, only one bid being received.

At the time the above lease was made, only a small portion of Spear street was built upon, with no improvements upon Bryant street.

The above named lessees are the owners of the property fronting upon the streets above named, and had built the improvements alluded to as a part of Spear street, and been occupying the same for several years.

Before advertising the above, the Board came to the conclusion that no large amount of revenue, over and above the cost of repairs and collecting the same, could be obtained, and when the bid was received it was accepted and the lease made.

VALLEJO STREET, BETWEEN FRONT AND DAVIS STREETS.

Next in order is the outer half of Vallejo street, between Front and Davis streets, to Charles Minturn, for three years, at three hundred dollars per month, as a landing place for his steamer Petaluma, running between this port and Petaluma. This lease was made after advertising according to law, only one bid being received, the lessee being confined to the use of said landing place as a berth for said steamer, and for no other purpose whatever.

The object in making this lease was to give a particular berth for said steamer, where it could come and go at any time without finding the same occupied by another vessel when it returned from Petaluma, and

compelling it to seek a berth elsewhere. As the said steamer makes a round trip daily, it seemed absolutely necessary that the same landing used one day should be secure to it the next.

The lessee is allowed to collect tolls on merchandise carried upon his boat, and obliged to keep the frontage leased in good repair, and perform all dredging required at his own expense.

Before accepting the bid and making said lease, the Board had ascertained the value of said frontage to the State, by controlling the same and collecting the revenues therefrom for a period of several months, and had ascertained that the amount offered was equal to the net revenues that could otherwise be obtained.

FOLSOM STREET WHARF.

On or about the first of October, eighteen hundred and sixty-four, the premises occupied and owned by the Pacific Mail Steamship Company, and known as Folsom Street Wharf, became the property of the State by the expiration of the lease made by the Common Council of the City of San Francisco ten years previous. This wharf, although known as Folsom Street Wharf, does not project into the bay from the foot of Folsom street, as do other wharves which receive their names from the streets of which they are a continuation, but embraces about two hundred and seventy-five feet of East street, northerly from Folsom street, and the width of Folsom street on the outer line of East street, making that frontage about three hundred and forty-five feet in length, or sufficient for one first class vessel. It also includes the south side of Folsom street, between East and Stewart streets, about two hundred feet, or sufficient for a medium-sized vessel; also a portion of Stewart street, sufficient for one medium-sized vessel. This wharf had been occupied by the Pacific Mail Steamship Company for several years, and was mostly covered with sheds to protect the freight of the company. Several months prior to the above date, the agent of said company expressed a willingness to surrender the property to the State on the termination of their franchise, and desired to lease the same for a period of three years thereafter.

Accordingly, in due time the same was advertised according to law, and the only bid received was made by the agent aforesaid, and was for the amount of two thousand dollars per month, the company to make their own repairs and perform all the dredging necessary for their business.

The bid was accepted and a lease executed, they being confined by the terms of said lease exclusively to their own business, being allowed to use the same only as a landing place for their steamships and coal vessels.

Before passing from this wharf, and to avoid the necessity of referring to it again, I will here state that said lease expired October first, eighteen hundred and sixty-seven; that before its expiration the Pacific Mail Steamship Company, having no further use for it, assigned their lease, (with the consent of the Board,) to the California, Oregon, and Mexico Steamship Company, and the property was subsequently advertised and leased to the said California, Oregon, and Mexico Steamship Company, they being the only bidders therefor, at one thousand seven hundred and fifty dollars per month, for the term of three years, they making all repairs, dredging, etc., as in the former lease. It will be noticed that the last lease in its terms gives to the State two hundred and fifty dollars per month less than the first.

In consideration for this two hundred and fifty dollars per month, the

company agree to build the outer half of Stewart street for the distance of two hundred and seventy feet south of the original structure, at an expenditure of say about sixteen thousand dollars, and surrender the same at the expiration of the lease. It will be seen, therefore, that making all due allowance for wear and tear, the terms of the second lease are as good or better for the State than the first.

DRY DOCK.

On or about the first of October, eighteen hundred and sixty-five, the Board, being moved thereto by the demands of commerce and by a petition of responsible parties, set apart by resolution that portion of the water front bounded by Beale and Brannan streets for the purpose of a dry dock. In considering the propriety of making a lease of a portion of the water front for such a purpose, and the rental to be received for the same, the Board were unanimous in their opinion that as there was but one dry dock on the Pacific coast, and that belonging to the Government of the United States and located more than thirty miles distant from this port, and the use of which could not be procured at all times when wanted, and only in cases of great and urgent necessity, and at heavy expense for towing to and from and transportation of men and material, in addition to loss of time, that a privilege should be granted to any responsible parties willing to invest the amount necessary to carry out successfully such an enterprise; and that the accommodations afforded to the commerce of this port would be an equivalent, without exacting or expecting any considerable sum in the way of rent for such privilege.

This Board was not unmindful of the fact that all previous attempts to organize a company with sufficient capital to carry out such an enterprise, or to obtain from the Legislature a franchise for such a purpose, by reason of the want of assurance that such capital could be obtained, had failed. It was, therefore, determined that in view of the necessities apparent to every one that a dry dock should be built as speedily as possible, that the opportunity to procure the building of such a dock by responsible parties, from whom abundant security for constructing the same could be obtained, should not be rejected.

It was also deemed necessary by the Board that the holders of such a privilege should be the owners, as in this case, of the property in front of which the dock was to be moored, that they might be enabled to erect thereon the necessary workshops and furnish such other accommodations so essentially requisite to the carrying out successfully so great an enterprise. This Board, therefore, in view of all the facts above presented, concluded to make the lease.

For further information in regard to the terms and conditions of said lease, and the bonds obtained for the faithful compliance with such terms, I beg respectfully to refer you to the biennial report of this Board, made to the Governor of the State, November third, eighteen hundred and sixty-seven.

SANSOM AND CHESTNUT STREETS—TO I. FRIEDLANDER.

This portion of the water front as heretofore controlled by this Board was a portion of Sansom street, extending from Lombard to Chestnut street, and known as North Point Dock. Its length is about two hundred and seventy-five feet, and about sixty feet in width. Friedlander, Peters, and others, the owners of the property on the west of this

wharf, had a large warehouse upon the property, with a frontage of one hundred and thirty-seven and one half feet, or equal to about one half the length of the wharf. They also owned the other fifty-vara lot on the north, which they commenced to improve by filling in during the latter part of last summer. About the time the wharf was advertised, the pressure of the filling upon the lot crowded the wharf out of line, rendering the outer or north end for over one hundred feet unsafe, and after the bid was received, and while the Board had the same under consideration, that portion fell into the bay. Under the circumstances, the Board deemed it best to accept the bid of five hundred and forty dollars per month, including the right to the frontage of Chestnut street, upon which there were no improvements, and which was of no value to the State as a source of revenue until improvements were made.

By reference to our biennial report, it will be seen that the gross revenue from North Point Wharf for the two years ending November third, eighteen hundred and sixty-seven, was sixteen thousand two hundred and fifty-three dollars and fifteen cents; and that the disbursements were, for dredging, three thousand five hundred and eighty-four dollars; urgent repairs, seven hundred and eighty-seven dollars and twenty cents; to which add the sum of two thousand four hundred dollars as salary of the Wharfinger for the same period, and we have a total of six thousand seven hundred and seventy-one dollars and twenty cents; which, deducted from the gross earnings as above, leaves a balance of nine thousand four hundred and eighty-one dollars and ninety-five cents net, or an average of about three hundred and ninety-five dollars per month.

From the above figures it is shown that a monthly rental of five hundred and forty dollars per month exceeds the average net earnings of the two last years by one hundred and forty-five dollars per month, or five thousand two hundred and twenty dollars for three years from October, eighteen hundred and sixty-seven, the term of the lease.

The lessees also constructed anew, at their own expense, that portion thrown down, at a probable cost of five thousand dollars more.

According to the terms of the lease, the lessees are obliged to keep the structure in good repair, perform all dredging required at their own expense, and surrender the structure, at the end of the term in good repair, with all improvements which they make thereon. My opinion is that in making this lease a very good bargain was made for the State.

BROADWAY WHARF—TO CALIFORNIA STEAM NAVIGATION COMPANY.

As the result of a suit long pending, and which was finally determined in the Supreme Court about one year ago, this wharf became the property of the State on the first of February, eighteen hundred and sixty-seven. It has been occupied for many years by the California Navigation Company exclusively for the use of their steamers. When it was surrendered to the State, the agent of said company made the request that it might be advertised immediately in order that they might obtain a lease. The wharf was advertised, together with the other wharves which came into our possession about the same time, and an arrangement made with the said agent that they might continue in possession during the thirty days required to advertise, the Board agreeing to accept for the use of said wharf for the month, the highest amount that should be bid therefor if said bid was satisfactory and for an amount sufficient to warrant the granting of a lease for the term of three years. At the time above referred to, viz; February first, eighteen hundred and

sixty-seven, when the wharf was surrendered, it was in very bad condition for want of repairs, only slight repairs having been made during the pending of the suit, covering a period of nearly three years. Only one bid was received for the lease of the wharf, and that was made by the agent of the California Steam Navigation Company, at two thousand dollars per month, the said company agreeing to make all repairs, perform all dredging at their own expense, and to surrender the wharf in good condition at the expiration of the lease. The offer of two thousand dollars per month net revenue, without any expenditure on the part of the State, considering the amount of repairs immediately necessary to be made, and the dredging also immediately necessary, as their river steamers were often detained by reason of a want of a sufficient depth of water to float them at low tide, was deemed to be a fair one and all that we had a right to expect; the bid was therefore accepted, and a lease executed, taking effect from date of surrender, February first, eighteen hundred and sixty-seven, and for the term of three years. The conditions of the lease are that the wharf is to be used exclusively for the boats of the California Steam Navigation Company.

LOMBARD AND BATTERY STREETS—TO GREEN & MCCABE; AND GREENWICH AND FRONT STREETS—TO EDWARDS & SAGE.

These two leases were given under circumstances precisely alike and for the same reasons. The first comprises the right to the front of a portion of Lombard and a portion of Battery streets; the second a portion of Front and a portion of Greenwich streets; all of the wharf improvements in each case are upon private property, and not under the control of the State, being inside of the line of jurisdiction given this Board by the Act under which it was created.

The owners of this property claim that the Act of eighteen hundred and sixty-four, extending the width of the streets bordering upon the water front to a uniform width of one hundred and fifty feet, and placing the outer half under the control of this Board, with the right to build and maintain the same for dockage and wharfage purposes, is unconstitutional, as it violates vested rights which have grown up since the Act of eighteen hundred and fifty-one, defining the water-front line, was passed. Under those circumstances, when the right to the use of the frontage has been advertised from time to time, they have declined to bid for it until in this instance. The Board, governed by their own judgment, as well as by advice of their attorney, deemed it best to accept the bids made in response to the last advertisement, though the amount is small, in order that a recognition of the right of the State to control the frontage, could never be hereafter disputed by the parties to the lease. If such an arrangement could have been made three or four years ago, several thousand dollars might have been added to the revenues of the State. These leases have three years to run from October first, eighteen hundred and sixty-seven, at a monthly rental of one hundred and fifty dollars for the former, and one hundred and forty dollars for the latter.

In all leases executed by this Board, as detailed above, it is expressly stipulated that the rent is payable in gold coin, monthly in advance, and good and sufficient bonds have been taken in each case.

I believe this statement covers all of the leases made by this Board, (with the exception of the last lease made to the Pacific Mail Steamship Company, which was made under authority of a special Act of the

Legislature passed in eighteen hundred and sixty-six,) since its organization.

Hoping this narrative may be satisfactory to yourself and to your Committee, I subscribe myself,

Respectfully, your obedient servant,

S. S. TILTON,
President Board of Harbor Commissioners.

STATE OF CALIFORNIA, }
City and County of San Francisco. } ss.

S. S. Tilton, being first duly sworn, says he has heard read the annexed and foregoing statement by him signed, and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

S. S. TILTON.

Subscribed and sworn before me this twenty-second January, eighteen hundred and sixty-eight.

N. GREENE CURTIS,
Chairman.

“EXHIBIT J.”

OFFICE BOARD OF STATE HARBOR COMMISSIONERS, }
San Francisco, January 22d, 1868. }

To the Hon. Investigating Committee appointed by the Legislature to inquire into the affairs of the Board of State Harbor Commissioners:

GENTLEMEN:—I have been requested by your honorable Committee to present my views in writing as to the necessity and propriety of the passage of a law by the Legislature now in session, for the purpose of materially reducing the rates of charges now being collected as dockage, wharfage, and tolls upon vessels and merchandise lying at and passing over the wharves in the port of San Francisco, and to present, if possible, a comparative statement of the expenses of this port, and the ports of New York and Boston.

I am unable, for the want of the proper data, to comply with your request in the last particular in a manner that would do justice to the subject or afford your Committee such information as you desire. This Board has not been able, since its organization, to obtain the regulations from any of the Eastern ports, with the exception of the port of Boston, which were compiled in the year eighteen hundred and fifty-five. By referring to those regulations, I perceive that there are only two classes of charges made at the wharves in that port—the one denominated dockage, and the other wharfage. The charges for dockage, as compared with San Francisco are, on the average, only about ten per cent. of the amount, while the charges for wharfage are much greater. Dockage is charged, as in this port, upon vessels lying at the wharves, while wharfage includes the cartage upon and from the same. The schedule of wharfage particularly expresses the different kinds of merchandise upon which the charges are made, whether it be boxes, bales, bundles, bags, barrels, crates, cases, or mats, and their contents, at so much per

package, ranging from three cents per bale of cotton bats weighing fifty pounds, to thirty cents per bale of domestic rags weighing two thousand pounds; and for boxes from two cents to thirty cents each, according to weight or measurement. The schedule specifies about three hundred and fifty different articles of merchandise, from anchors at fifty cents each, to wheelbarrows at four cents each.

From a thorough examination of the above schedule, I believe the amount of wharfage collected in the port of Boston upon the different articles enumerated therein is more than quadruple the amount collected as tolls upon the same classes of merchandise in the port of San Francisco, and upon which no wharfage is ever collected.

In order to a full understanding of the distinction between dockage, wharfage, and tolls, as applied to the vessel and merchandise, I will here state that dockage is the charge made against the vessel for the privilege of lying at the wharf while discharging and receiving cargo. Wharfage is the amount charged on any merchandise lying upon the wharves beyond a certain number of days; and toll is the amount charged the driver of the vehicle carrying said merchandise upon or from the wharf. Dockage is charged by the day, and according to the tonnage of the vessel. Wharfage is seldom charged, and never on outward cargo. It is only collected upon merchandise left upon the wharf beyond a certain number of days, and then only when it prevents other vessels from the use of the wharf during a press of business when other berths cannot be furnished, and the amount is in the aggregate very small. For the list of charges as made by this Board, I respectfully refer your honorable Committee to the pamphlet which has been furnished you containing the same.

The rates of dockage as now fixed and collected may seem, and they really are, very high, as compared with the port of Boston. But they were fixed by revision of the rates charged before the organization of this Board, and were slightly reduced by such revision and were applicable to vessels under the old measurement.

By a recent Act of Congress a new measurement was required of all vessels carrying the United States flag. Under that Act the tonnage of all vessels was reduced from ten to thirty per cent., thereby reducing the dockage charges in that amount below what they were two years ago. Since the new measurement was completed, this Board has carefully compiled from the Customhouse Register the tonnage of all vessels doing business with this port, and the charge is made upon the tonnage of the vessel under the new measurement. Under our rates of tolls, a vehicle with one horse is charged twenty-five cents; with two horses, fifty cents.

It will be inferred that a load for one horse would be about three thousand pounds, while a load for two horses would be about six thousand pounds; whereas, the custom is where a one-horse vehicle is used, a lead horse is used to draw the load through the streets and is unhitched before going upon the wharf with the load of from four to five tons, paying only the toll of a one-horse vehicle, viz: twenty-five cents, thereby reducing the toll to five or six and one-quarter cents per ton; while the two-horse vehicle often has a pair of lead horses, with a load of seven tons, and the same process is repeated; paying as tolls fifty cents, or about seven cents per ton.

It will be seen, therefore, from the above facts, that the charges are really not so great as appears to the casual observer, and are not so much above—including dockage and tolls—Eastern ports. It must be borne

in mind, also, that San Francisco is in its infancy; that her wharves have been built at great expense; that the sea wall has but just been commenced, and that the law under which this Board was organized contemplates the erection of said sea wall from revenues to be collected from the commerce of the port; that the wharves in Boston are owned by private individuals or companies, competing for the business of the port, and are permanent structures, and from which the owners are only expecting a moderate interest on their capital; that the wages of labor, the cost of material, and all other expenses of conducting a wharf in this port, are much greater than in Eastern ports.

The great necessity for the speedy construction of a sea wall along this water front, and the length of time requisite to build the same, if accomplished with the revenues of commerce, will preclude, in my opinion, the reduction of the charges in any considerable amount. If it should be done, what benefits would accrue to the State of California, or to the city of San Francisco by such a reduction? If it could be shown to the satisfaction of the community that the commerce of this port could be increased by such a change, then such a change would certainly be desirable. It will not be claimed by any one at all conversant with the laws of trade, that such would be the case. It is a well known fact that the commerce of this port is limited in amount, though steadily on the increase, and cannot be forced by any legislation such as is contemplated. It has been argued by some that if the charges on shipping could be reduced one half, that more vessels would come here to obtain charters, and that freights would be correspondingly reduced, and that farmers would get a better price for their produce. Can it be for a moment presumed by any one at all conversant with commercial affairs, that vessels would be sent here from Eastern and foreign ports in ballast, seeking charters merely because the dockage and other port charges were decreased in the amount of one or two hundred dollars, more or less? I think not.

From careful estimates made by this Board, it has been ascertained that it will require at least ten years to build the sea wall, upon the economical plan adopted, if no changes are made in the rates of dockage. If the Legislature should in its wisdom deem it advisable to provide for the issuance of bonds for the construction of said work, pledging the revenues of the port in payment of the interest, and to create a sinking fund to pay such bonds at maturity, it would require very careful consideration to determine, in that event, whether the charges could be materially reduced. By reference to the statutes of eighteen hundred and sixty-three and sixty-four, section eleven, page four hundred and eleven, it will be perceived that this Board now has the power to reduce the dockage twenty-five per cent below present rates, which it will proceed to do whenever in its judgment the interests of commerce will be enhanced thereby, and the objects of the law accomplished. In view of all the facts as within set forth, I am decidedly of the opinion that no legislation reducing the rates of charges is necessary, but that the whole matter should be left to the discretion of this Board, which is presumed to have a more thorough knowledge of the subject matter than can be obtained by any parties that have given it little or no attention. In the opinions herein expressed, and the facts set forth, I have the concurrence of my colleagues in the Board, the subject having been fully discussed on several occasions.

All of which is respectfully submitted by your obedient servant,

S. S. TILTON,
President of the Board of Harbor Commissioners.

R E P O R T

FROM THE

SAN DIEGO DELEGATION

UPON THE BILL ENTITLED

An Act concerning the San Diego and Gila Southern Pacific and Atlantic
Railroad Company, and to extend the time of performing certain acts.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

For the bill referred to the San Diego delegation, the accompanying substitute is hereby reported, and its passage recommended.

This company was formed under the general railroad Act of this State, approved April twenty-second, eighteen hundred and fifty-four, with a capital stock of four million dollars, divided into forty thousand shares of one hundred dollars each, to continue fifty years, "for the purpose," as expressed in the articles of incorporation, "of constructing, making and maintaining a railroad from a point on the Bay of San Diego, thence eastwardly, by the most direct practicable route, through the County of San Diego to the Colorado River, at or near the mouth of the Gila river, a distance of about one hundred and forty miles." The full amount required by law was subscribed, and ten per cent. upon the same paid to the Treasurer, as shown by the articles on file in the office of the Secretary of State, November seventh, eighteen hundred and fifty-four. By Act approved April thirtieth, eighteen hundred and fifty-five, the Trustees of the City of San Diego were authorized to convey to the company two leagues of the "pueblo lands," immediately upon or adjacent to the Bays of San Diego, no lot to be less than fifty yards front. "The lands so conveyed," it is provided, "may either be sold, leased or hypothecated, for the purpose of raising funds to construct the said road, and the procuring of the necessary machinery for the same, but for no other purpose." This Act having been submitted to the vote of the people, was unanimously approved by them at the election. The Act allowed ten years for the completion of the work, which term was further extended by the Legislature in the year eighteen hundred and sixty-four.

The company now ask for a further extension of six years, in the belief that this will be amply sufficient for the accomplishment of the objects of its creation.

In the year eighteen hundred and fifty-five, the survey was completed, at considerable expense for the company, by Charles H. Poole, civil engineer, the result of which is annexed. His full report will be found in Vol. VII of the United States Pacific Railroad surveys, in the report of Lieutenant John G. Parke. From this it will be seen that one certainly feasible route for a railroad does exist through that county by the San Diego River and Warner's Pass, and without entering Mexican Territory, its highest grade, and that for only a short distance, being one hundred

and seven feet to the mile; thus disproving the conjectures previously hazarded, in the want of actual instrumental observation. Its grade throughout compares favorably with other roads. The Central Pacific is understood to have three and one half miles with a grade of one hundred and sixteen feet, while the bulk of the heavy grading is represented to be one hundred and five. On the Baltimore and Ohio Railroad, there are seventeen miles in two stretches of one hundred and sixteen feet to the mile. It would seem that difficulties of grade and curve and distance vanish before the lights of modern engineering.

In the progress of its operations since, this company has had the fortune of many similar undertakings in California and elsewhere, all aiming to secure a share in the profits of railway communication between the Pacific and Atlantic oceans. The splendid triumphs of the Central Pacific have inspired new energy in all other directions. The long cherished Southern route—whether on the thirty-fifth or the thirty-second parallel, or along both—has ceased to be a matter of doubt. With this brightening prospect it should not cause surprise that the citizens of San Diego County are pushing forward in this race for prosperity.

Their company owes nothing. The City of San Diego, holding still a great part of its original eight leagues confirmed to it, is in debt about one thousand dollars; and, although the county obligations reach to ninety thousand dollars, it is believed that the financial arrangements to begin with the legislation of the present year will place our public credit upon a firm basis for the future. Our resources have been much underrated. The aggregate of Mexican grants confirmed amounts to six hundred and fifty thousand acres. Of a region not yet prospected, it is enough to say that the gold-bearing quartz vein of the rancho of Escondido yields fifty dollars per ton of rock; copper assaying twenty per cent. is traced upon the rancho of Encinitos (five miles from the sea shore), and at innumerable other points; silver, elsewhere. It may serve to remove a mistaken impression with many, to remark further, that the mountain summits and slopes of Cuyamaca, Santa Ysabel, San Felipe and Palomar—all in the immediate vicinity of Warner's Pass—have an abundance of timber, water and pasture, with numerous valleys well adapted to the cereals; while the lower ranchos of San José, Santa Maria, El Cajon and Temecula, taken together, with an area of over one hundred thousand acres (not to specify other tracts), will sustain a large farming population. They are all good for grain, as well as cattle and sheep; and the Cajon in particular (in extent of forty-eight thousand acres) is most desirable for the grape, orange and other fruits best suited to the climate; tobacco would be a profitable crop for this rancho. It may satisfy a natural inquiry to add that this last named tract (eleven leagues) has been offered for sale at twenty thousand dollars, San José (of twenty-two thousand acres) at ten thousand dollars, and Cuyamaca (eleven leagues) at one dollar per acre (probably so high on account of its forests of pine).

From this statement merely, it appears that "the back country" of the harbor of San Diego is not so limited nor of so little value as some have thought who have seen only the rough and comparatively barren coast road.

The people even of the rich valleys of San Bernardino County, according to the latest indications, are looking to San Diego as their probable depot hereafter, in the shipment of their wool and grain and fruits to San Francisco. The distance is but one hundred and ten miles from San Bernardino City, and about one hundred and twenty from the summit of

the San Gorgonio Pass. This last point is a most important one, in the published account of General Palmer's survey just concluded, on or near the thirty-fifth parallel; whether from thence he may make a terminus at San Diego, or there connect his main trunk with that which the capital of San Francisco, Santa Clara, Monterey and Tulare Counties is likely to send down to meet him, during the next two or three years. In any event, there will be no possibility of excluding the Bay of San Diego from a participation in the blessings of the enterprise. She will "thus tap the great trade of the East," to use the words of the San Bernardino *Guardian* of the fifteenth instant. The lateral (modestly speaking) branch would pass entirely over, sometimes around, the low foot-hills of the Coast Range—never ascending any high elevation—from the San Diego River (near the Cajon) through Paguay and San Marcos Ranchos, and Pala, into the Valley of Temecula, and thence over the broad, level plain of Jacinto, to the celebrated San Gorgonio Pass, with the very easiest grade; heading the San Dieguito, San Luis Rey, Santa Margarita and San Jacinto Rivers, thus saving any costly bridges, and always still convenient to heavy bodies of pine and other timber. General Palmer, as the *Guardian* states, has left instructions with Captain H. Wilkes to survey this line immediately. It has been long known that the Pass of Temecula—although really not bad—can be easily avoided.

Next to San Francisco, the harbor of San Diego, according to the uniform testimony of mariners and travellers, is the best on the coast of Upper or Lower California; in truth, there is none equal to it from San Francisco to the head of the Gulf of California, Guaymas not excepted. This, too, is the result of the official surveys, from that of the United States steamer Massachusetts in eighteen hundred and forty-nine and eighteen hundred and fifty, and of the Coast Survey in eighteen hundred and fifty-one, repeated in eighteen hundred and fifty-seven and eighteen hundred and sixty-two, to the recent observations (last October) of the United States Engineers engaged in making the plans for its fortifications. Professor A. D. Bache, in Coast Survey Report, eighteen hundred and sixty-two, has given a minute and interesting description of it. Besides the depth of the water, where the largest ships can ride in safety, it is perfectly protected from storms from any quarter, chiefly by that wonderful "natural breakwater" designated as Ballast Point; "there is not reach enough for the wind to raise a swell, and the holding-ground is excellent." "It is readily distinguished, easily approached." "About six fathoms may be carried to New Town," distant six miles from the entrance; the average width, a mile and a half. He says: "Next to that of San Francisco, *no harbor on the Pacific coast of the United States approximates in excellence that of the Bay of San Diego.*" From eighteen hundred and fifty till the latter part of eighteen hundred and fifty-four, the Panama steamers regularly entered with the mails, or for coal or other supplies. In eighteen hundred and sixty-six the United States steamer Vanderbilt anchored within, at La Playa, a mile and a half from the entrance. The depth is ten fathoms in mid-channel, at the entrance off Ballast Point, and from four to ten fathoms at the usual anchorage. *The advantage of its relative position to the line of ships bound for China*, as well as the inducements it offers for the whaling business, to say nothing of the interior traffic with the frontiers of Lower California (whose mineral and grazing resources are not to be despised) have not escaped the notice of thoughtful men.

In estimating the probability that this harbor—equal to and somewhat resembling that of Baltimore—will not long remain useless to general

commerce, it is worth while to reflect how vast is the interior behind it, that must soon seek an outlet for its produce, whether agricultural or mineral, and comprehended within Middle and Southern Arizona and Northern Sonora, even to the banks of the Rio Grande; to which the tedious (not to say dangerous, as well as expensive) navigation one hundred and sixty miles down the Colorado river, six hundred miles through the Gulf of California, and thence by Cape San Lucas to San Francisco, will hardly be preferable when compared with the short, speedy, cheap land transportation by Fort Yuma, and the Pass either of Warner or of Jacum (a distance by the latter of one hundred and sixty miles) to the Bay of San Diego. This region only awaits the subjugation of the Apaches to fill up with a thriving population; of course, like the people of the remotest sections of our own State, they must find their principal market at San Francisco, the grand centre of all Pacific trade. Nor can we lose sight of the benefits to flow from the navigation of the Colorado river in the direction of the lower settlements of Utah, now so rapidly increasing. The navigability of this river above Fort Yuma, as far as Callville, a distance of four hundred and twenty-three miles, is now a settled question. The San Francisco Chamber of Commerce, October twenty-first, eighteen hundred and sixty-seven, say:

"A mighty stream, along whose banks numerous towns and villages have sprung into existence, as the tide of emigration has flown thither, it is the natural outlet for the waters of that portion of the American continent comprising Utah, Southern Nevada, Arizona, New Mexico and Southern California, and rivals in magnitude and importance the Columbia River of the North, and the Missouri River of the East. The climate, from its mouth to the highest navigable point, is salubrious, and it would appear as if designed by Providence to be the great outlet for the various mineral and agricultural products of that country. Between Callville and Salt Lake City (four hundred miles), along the line of the road, lie forty-two separate towns, with a prosperous and contented people. There, cotton and tobacco can be produced in abundance, and it is not only fair to presume that their imports may, in a great measure, be derived from San Francisco, but that valuable exports are destined to find their way in good season to our market. The cost of transporting goods from New York to Utah is from twenty-five to thirty cents a pound, currency; the time in transit from sixty to seventy-five days. It is a fact easily demonstrable that goods can be landed in Salt Lake City, by way of the Colorado River and Callville, every month in the year, at a maximum cost for freight of twelve cents per pound, currency, and that the time occupied in the passage need not exceed forty-five to fifty days. It simply remains for the enterprising merchants of San Francisco to decide whether the present anomalous state of things shall continue to exist, or whether, by opening the navigation of this great artery for business, the traffic of so vast a section of country, populated by one hundred and twenty-five thousand inhabitants, shall at once be secured."

There is sufficient evidence that the people of Southern Utah are not indifferent to this proposed policy. The trade of that Territory in eighteen hundred and sixty-four was estimated at three million dollars. The letter of John D. Perry, President of the Kansas Company, dated November fourteenth, eighteen hundred and sixty-seven, to Henry H. Haight, Governor of California, demonstrates a like interest in this subject:

"We fully appreciate," he says, "the value and importance of the Colorado River to California, with its capabilities for navigation and the immense area which can thus be supplied from San Francisco; and as our enterprise is beneficent to both the East and West, we trust that the exploration and consequent traffic of the Colorado are destined at an early day to materially assist us in our work of uniting the Atlantic and Pacific."

This company, in their late surveys, indicate an intention to cross the Colorado River at or near Fort Mohave, perhaps at the "Colorado crossing," twenty-five miles below the Fort; thence it is one hundred and eighty-one miles to the summit of San Gorgonio Pass. The following table of distances was derived from General Palmer:

From St. Louis to Kansas City	282 miles.
From Kansas City to Colorado Crossing.....	1,375 miles.
From San Gorgonio Pass.....	181 miles.
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Total	1,838 miles.
To San Diego	120 miles.

It is obvious that this railroad must do nearly all the freighting to and from Utah, which the calculations of the Chamber of Commerce, a few months ago, assigned to the steamers of the Colorado River.

While giving every just aid and encouragement to the plans contemplating the thirty-fifth parallel, it is not the part of prudence to forget that, although at the moment under a shadow (as it were), great interests belong to the line of the thirty-second parallel, and there is no reason to believe that ultimately these will not gain the prominence they deserve. When it is considered that from the Mississippi to San Diego the distance is not more than one thousand five hundred and twenty-seven miles, according to Lieutenant Parke—there is no snow—the cost of a railway would not, in his day, have exceeded sixty-nine million dollars. In San Diego County alone, there is timber enough to build half of it. The perseverance is not to be censured with which this company has adhered to the original purpose of its charter—its "first love."

Bridging the Colorado River sometimes excites a doubt. Lieutenant Williamson says:

"At the mouth of the Gila the banks of the Colorado are high, and the river narrower than its average width. Generally there is a wide bottom subject to overflow, but this is not the case at this point, and here it presents advantages for bridging not frequently found."

Bartlett says:

"The Colorado River presents no difficulties for bridging."

According to Colonel E. B. Willis, of General Palmer's surveying corps:

"At the crossing at Fort Yuma there will be required a bridge three hundred and eighty feet in length, which can be carried over in a single span. There are good solid banks for the purpose."

General W. S. Rosecrans, February fifteenth, eighteen hundred and sixty-eight, writes :

"At the crossing of the Colorado, near Fort Yuma, by this route, the road would find two granite abutments on opposite sides of the river, about six hundred feet (?) apart and forty feet high, placed by nature as if expressly for a railway bridge crossing."

The "Colorado Desert" was formerly apprehended, of which Bartlett says, "it seems almost graded by nature for a railway;" and Lieutenant Williamson, "the desert may be considered the least difficult part of a railway route in California."

Professor W. P. Blake describes it as follows :

"Instead of the whole plain being composed of loose and sandy materials, as has been supposed, its basis is a compact blue clay, so hard that the passing of mules and wagons scarcely leave tracks upon it." Again : "It is not necessary to carry the road across the sand-hill range. The hills have a direction that would be nearly parallel to the course of a road."

This desert is estimated to contain five thousand square miles, the rest of the County of San Diego being about nine thousand square miles. The report of Professor Blake demonstrates the facility with which large areas, perhaps more than one thousand square miles, can be reclaimed. His own remark is : "the whole of the clay surface of the desert may be considered as capable of supporting a luxuriant growth of vegetation of almost any description," by irrigation, which "might be accomplished by constructing canals from a point on the Colorado above the mouth of the Gila."

The distance from the Bay, by Warner's Pass, to the mouth of the Gila, is one hundred and eighty nine miles (railway); the greatest elevation, three thousand six hundred and twenty nine feet, to wit, the summit of San Felipe.

Enough has been said to show the inestimable value of the "back country," within a radius of one hundred and fifty miles from San Diego—all now thinly populated, but promising a different future of wealth to the State. One misfortune is—possibly hereafter to turn out a benefit—that so many large tracts are held by non-residents; these are mostly men of capital. Some of them are projecting the introduction of emigrants upon their extensive ranches, "a consumation devoutly to be wished." Confirmed Mexican titles (generally surveyed) cover some of the best lands. Still there is much public land, and now being settled up; and through which either of our proposed railway routes must pass. A few miles back, out of the fogs of the coast, wheat has always been a sure crop, as at San Pascual, Temecula, Santa Ysabel, Milqua-tai, etc., etc. San Jose (or "Warner's ranch") has four fine streams for saw or flouring mills. There is no redwood. On the ridges of Pauma is the species of oak supplying a desideratum long felt in the wine districts—wood for casks; at Anaheim are several casks, made of this wood, in use now four years, uninjured by worms. A steam grist mill and wharf (five hundred feet in length) are in progress of erection at New Town. No mention has been made of stock ranchos, such as Otay, Nacional, Guajomo, Santa Margarita, Las Flores, San Bernardo (three

leagues, lately bought for four thousand and twenty dollars), San Luis Rey, Laguna, San Jacinto—in quantity two hundred thousand acres. A proper assessment of the real and personal property of the county would not be less than one million dollars at present; and this with a white population of the whole county less than two thousand, and of the city, not exceeding four hundred souls. Community is in its infancy of development and growth retarded by many untoward circumstances that must cease to operate in the progress of the State at large. Slowly, yet steadily, the tide of emigration is advancing, to fill up these waste places, and bringing with it the best experience of our civilization, to build up a society in the enjoyment of a prosperity that may one day rival the most fortunate parts of the earth.

Extending our radius over the map of the country, it would embrace the copper and salt of Lower California, a vast area of irrigable land upon "the Desert," tin mines of Temescal, quartz of Holcombe Valley and Lytle Creek, silver leads of the Cucamonga and San Gabriel ranges. It would point close to the copper veins of Soledad and oil wells of San Fernando. In saying this, there is no intention to compete with the natural trade of San Pedro, the principal shipping point for the Valley of Los Angeles.

There are thousands of acres of good lands within the pueblo limits of San Diego, and its vicinity, but a scarcity of water. With any considerable increase of population, the old "Yerba Buena" herself will furnish us a model for imitation, in order to remedy this evil—in her "Spring Valley Water Works," and "the Lake Honda Tunnel and Aqueduct." An exceedingly interesting account of these magnificent structures has been published by F. W. Gross, Esq. :

"A few years ago," he says, "a small rippling stream, so narrow that a man could easily step across it, ran through the Pillarcitas Valley or Cañon, twenty-three miles from the city, where there is now an extensive artificial lake. The spot—wild and romantic, surrounded and shut in by precipitous mountains, almost inaccessible—has been completely changed in appearance, and rendered comparatively easy of access by well built roads winding round the mountain sides. * * * * * Tall pines that for years had battled with the elements have been felled, and trees and shrubbery destroyed, and a large space of beautiful scenery denuded of its natural charms to make way for the requirements of a great city. The first dam is three hundred and sixty feet long, one hundred and fifty feet thick at the base, twenty-five feet thick at the top, and thirty-two feet high. From this dam the water was brought into town in wooden flumes, intersected at times with sheet and cast iron pipes. The aqueduct necessarily followed the topography of the country over which it passed, making its entire length *upwards of thirty-two miles*. The present or main dam was started in eighteen hundred and sixty-four. This was finished in December, eighteen hundred and sixty-five. The immense surface behind it is flooded, and is now covered with a lake two and a quarter miles in length, forming a most beautiful sheet of water. The present capacity of this immense reservoir is eight hundred and twenty-five million gallons. Its present water mark is six hundred and eighty-four feet above the present city base of San Francisco. * * * The new dam is being enlarged by an addition of one hundred feet thickness at the base, and the walls to be carried up nearly parallel with the slope of the present dam. With this addition it is proposed to raise the height of the dam some twenty feet, which will increase the capacity of

the reservoir to fourteen hundred million gallons. With this increased capacity the company would be enabled to supply the city with water for two years, even if it did not rain a drop during that time. The average depth of the reservoir is now forty feet, while in one place the water is eighty-five feet deep. * * * * * The consumption of water in this city amounts to thirteen hundred million gallons per annum. When all the new arrangements are completed the company can furnish three times this quantity with ease."

The San Diego River is a counterpart of this, but gives forth a much greater volume of water. It rises in a natural reservoir a mile long and one fourth of a mile wide, known as Cuyamaca Lake, situate about five hundred feet below the summit of Cuyamaca mountain, forty-five miles east of the bay. It flows all the year upon the rancho of El Cajon, a distance of twenty miles from the city or twenty-seven from Ballast Point. At the head of this rancho Nature has provided a hard, rocky bed—an admirable site for a second reservoir; and six miles below, another of like character and the same of which the Mission Fathers availed themselves in order to make their dam (still existing in good condition). With this they brought into cultivation their lands around the Mission of San Diego. Their dam, of solid stone cemented with brick, is two hundred and forty-four feet in length, ten feet thick and twelve feet high, from which by a brick aqueduct they conducted the water seven miles to the Mission. The gorge at the head and that at the foot of the "Cajon," with the formation and contour of the Cajon Valley itself—the basin of a lake of three times the area of Spring Valley—present facilities for the establishment of waterworks equal, if not superior, to those of San Francisco. The four rivers of the county before referred to could all be dammed in like manner, for irrigation or domestic consumption. Those who feel curiosity to pursue this subject are referred to the Memoir of Lieutenant George H. Derby, Topographical Engineers, Senate Executive Documents, Vol. 3.

In passing, it may be stated that the Trustees of the city have applied to the Legislature for power to donate small tracts to actual settlers, upon conditions calculated to secure their occupation and improvement. A complete survey of the lands has been made into house lots and farm lots. This measure will have excellent results. There will only be necessary the enterprise of bringing the water from the river above, over the low table-land of about one hundred square miles east of the city—this itself capable of producing any crop whatsoever—to give the Bay of San Diego a sure start to greatness as a commercial emporium. The water company will file articles of incorporation within a few weeks.

Adverting again to the line of the thirty-second parallel, the suggestions of Gen. W. S. Rosecrans in a letter dated February fifteenth, eighteen hundred and sixty-eight, to J. Edgar Thompson, deserve a careful consideration.

Tacumba Pass, to which he alludes, leads through that stretch of country designated on the common maps by the phrase "unexplored instrumentally." It lies adjacent to the Mexican boundary. Within the last two years several distinguished officers of the United States Army have examined it. In eighteen hundred and sixty-six the mail stages traveled that way, making the trip from San Diego to Fort Yuma in forty-eight hours; it has been long known as a wagon road, and formerly was the usual, as the nearest, route for the Mexicans coming to and returning from California. By this way the distance is one hundred and sixty miles, and one hundred and forty-eight on the township lines. It

is advantageous to emigrants, because they have less of the Desert to cross, and arrive sooner at water and grass. Nor is there any necessity of entering the Mexican territory, except when near Fort Yuma, and there, at present, all routes enter it. Tacumba Mountain is a prolongation of the Santa Ysabel and Cuyamaca Ranges, but not so high as either of these; separated from them by this deep depression known as "Tacumba Pass." Its ascent on the west is easy, steeper on the east, in the descent of a long cañon to the Desert. This company now proposes to make a scientific exploration of it—a work, it is to be regretted, that Lieutenant Emory failed to do, succumbing to its apparent roughness (see Vol. I Mexican Boundary Survey), and one in which our State Geologist might have added a few more pages to the records of science, or further embellished his sketches of beautiful scenery, with even a single hasty tour, during the past three or four years. This section is known to have an abundance of pine and oak timber, unfailing springs of water and numerous fertile valleys. Not far from the Pass is now a flourishing settlement of American families, at Mil-quai-tai.

The suggestions of General Rosecrans, by the by, are far from authorizing an inference that our efforts in this undertaking follow the "vaulting ambition" hinted at by some writers, of raising up a rival to our proud metropolis; no, rather a true friend and useful ally. In fact, the capital of San Francisco is already too deeply invested in our county to deprive us of her sympathy; nor are there wanting other strong inducements to invite her co-operation. General Rosecrans speaks as a military man and an engineer; none will think lightly of his patriotism displayed in this measure as ever.

VIEWS OF GENERAL W. S. ROSECRANS.

"1. In a work so important as the Southern Overland Railway, mere competitive rivalry of the Union and Central line for the through express, freight and passenger business of San Francisco should be a very subordinate matter.

"2. The great aim should be to build a complete trans-continental trunk line, for both through and way transport, which will do its full share of the Oriental and San Francisco through business, and with its branches develop and accommodate the industry and commerce, present or future, of the best regions stretching westward from the Rio Grande to the Pacific, and southward from Utah and Nevada to the remotest point in Mexico, whence its people shall find it best to bring their trade and travel this way.

"3. Such a line must go down the Rio Grande far enough from Albuquerque to afford western connections to the Pacific for all those railways south of yours, some five of which are now pushing westward toward the Texas border. This will then bring custom from the trunk line, accommodate the people and justly conciliate the interests represented by these roads and their Eastern connections.

"4. Westward from this point, probably near Fort Thorne, the trunk line passing via Tucson and south of Gila, will provide points of junction for a great railway from the City of Mexico north via Chihuahua toward St. Louis, and a road from near Tucson via Hermosilla to Guaymas, both of which will at no distant period be demanded by the growth and prosperity of these regions.

"5. This grand trunk line along our southern border will soon populate it, develop the prosperity of the neighboring States of Mexico, and so blend the interests of the two peoples as to render unnecessary the

maintenance of the present military forces there, and probably transfer the frontier line itself to a point more satisfactory to the interests and wishes of all concerned. Thus, the road would find immediate paying work, effect a public economy and conduce to prosperity and progress.

"7. Fort Yuma is the actual and natural distributing point for all Arizona and contiguous parts of Utah, Nevada and Mexico. Goods from San Francisco now reach it via Cape San Lucas and the Gulf of California, transhipped in Mexican territory to steamers at the mouth of the Colorado, which carry them to Fort Yuma in from forty-five to fifty-five days from San Francisco, at a cost of from forty to fifty dollars per ton, exclusive of insurance, interest and loss of time. The trade to this point already employs a good line of steamers, and the San Francisco Chamber of Commerce recently discussed putting another line of boats on the Colorado, to command the trade of Southern Utah and Nevada. But Fort Yuma is only one hundred and forty-four miles due east on the township line, and about one hundred and sixty on a practicable railroad route via Jacumba from San Diego; of which one hundred miles would be over a gravel plain, twenty miles of rough ascending ground and forty miles of open rolling country, offering no serious obstacle to the construction of a road. San Diego harbor is all that commerce could desire—safe, commodious, of easy access in all weather, and so land-locked that vessels can lie quietly at wharves in the roughest weather, which is more than can be done in the harbor of San Francisco, and it is only thirty-six or forty hours by such propellers as ply from New York to Providence, or from San Diego to San Francisco; so that with such a line of one hundred and sixty miles of rail, freight and passengers can be carried from San Francisco to Fort Yuma in seventy hours, at a freight per ton of ten dollars, with a profit to the owners.

"8. As the length of the different Overland Railroad routes from Fort Yuma to San Francisco will not greatly differ, that should be taken which combines the greatest advantages to business and the country through which it is to pass to San Francisco. That by San Diego gives the shortest route to the Pacific coast, goes through some very fine unoccupied United States land, in the vicinity of a belt of pine timber forty by fifteen miles in area, about forty-five miles back of San Diego, opens through communication to San Francisco twelve to eighteen months in advance of the completion of the road, provides a valuable port and entrepot for the use of the main line, whence heavy cheap freights can start East with advantage over all competing lines, while it insures the command of the carrying for Arizona and its tributaries without the possibility of a rival.

"9. This route also affords decided advantages for the delivery of railroad material at several points on the line, thus expediting and cheapening the work of construction, and while through business is going on enables the Overland Company to consult all interests in its location through the State to San Francisco.

"10. Whether the cost of construction on this would be greater or less than along the line of the thirty-fifth parallel, careful estimates will determine. But having been twice over the route from this coast to Tucson, and spent ten days at the Jacumba Pass, as well as from information derived from the United States railroad surveys and other sources, I am inclined to think that, passing mostly over plains, with gentle grades, sweeping curves and long straight lines, with mesquit for ties which will last seventy years in the ground, with no snow, frosts or storms to obstruct travel or injure the road bed—the first cost, annual

maintenance and running expense on the route will all be less than along the thirty-fifth parallel.

"11. I have alluded to the military and political importance of this line, which is very great, while that of the thirty-fifth parallel is insignificant. Many of these advantages of a road on the thirty-second parallel are obvious; among them domestic influences are not to be overlooked. But on a nation's frontier the means of concentrating and maintaining force is in itself a silent, ever-operative power, saving present and preventing future expense. Its political influence is even more potent, genial and beneficent—a good civilizer, drawing and binding people together by the forces of propinquity, interest and social life. So important do I consider these influences that were it my duty to choose for the nation, I would rather pay for the construction of a railroad by the border line than to have the road two hundred miles north of it on the thirty-fifth parallel for nothing. I favor national subsidies for the construction of railroads through unimproved regions warranting them, both on the ground of wise proprietorship, to promote the improvement of otherwise useless lands, and create taxable industry and property; but I cannot see how any Senator or Representative in Congress, understanding the subject, and having a grain of statesmanship in his head, could vote aid to build the line by the thirty-fifth parallel until the construction of one along the thirty-second had been secured beyond a peradventure.

"You see, moreover, in my judgment, were our route to be on the thirty-fifth parallel, a rival on the thirty-second would be only a question of time and means. The interests demanding it already exist; whereas if we take the latter route, its grandeur and success will defy competition. It will do a very large through business from San Francisco and the Orient, and all the valuable carrying south of Utah and west of the Rio Grande.

"In closing this letter to you, I cannot help saying that the builders of the Southern Overland through line are undertaking a work which, well performed, should and will transmit their names to posterity with deserved and lasting honor."

The San Diego and Gila Company has received no State aid, no grants of national land, no county loans in the shape of bonds; the private means of a few citizens have enabled it to do something toward the necessary survey of routes. The people of this county would appear to have a just claim to the same favors from the Government that have been extended to the enterprises of other sections of the State.

It is well understood that the Kansas and San Francisco Company will break ground on the Colorado River, near Fort Mohave, early in this Spring. In such case, the favorable moment so long and patiently looked for will have arrived for the exercise of all our energies and co-operation to carry out the end of the charter, which will be as well accomplished by connecting our route with the main trunk at San Geronio Pass as by the more direct course to the Gila River. The distance from Fort Yuma to the Bay of San Diego is about three hundred miles—making a circuit by San Geronio Pass—according to Professor Blake; and if the doubt could be entertained of the right of the company to vary from the direct route, it would be within the power of the Legislature, it is believed, so to modify the charter.

Respectfully submitted.

BENJAMIN HAYES,
Member of the Assembly from San Diego.

TABLE OF DISTANCES
Of the Proposed Route of Railroad from San Diego to Gila River.

STATIONS.	Intermediate Dis- tances.	Total Distances.....	Average grade, per mile, between level Stations.		Altitude in feet.		Deduced Grade of best observed Lo- cation	LOCALITIES.
			Ascending.	Descending	Above previous Station.	Above Mean High Water.		
Bay of San Diego—								
San Diego Mission.....	7.048	7.048	9.14	...	64.46	64.46	9.14	..... Valley of San Diego River.
Entrance of Cajon Gap.....	2.658	9.706	13.74	...	36.53	100.99	13.74	..... Valley of San Diego River.
Entrance of Cajon Valley.....	2.760	12.466	65.84	...	181.73	282.72	65.84	..... Valley of San Diego River.
Cajon Rancho (Santa Monica).....	7.305	19.771	17.75	...	129.67	412.39	17.75	..... Valley of San Diego River.
Foot of Miners' Hill.....	5.160	24.931	23.68	...	122.23	534.62	61.4	..... Valley of San Diego River.
Capitan Grande (Indian village).....	7.348	32.279	26.27	...	193.04	727.66	61.4	..... Valley of San Diego River.
Pinery Brook.....	3.610	35.889	39.00	...	140.79	868.45	107.5	..... Oakwood Cañon.
San Isabel Trail.....	0.850	36.139	66.61	...	56.65	925.10	107.5	..... Oakwood Cañon.
Base of Devil's Knob.....	0.661	37.400	53.22	...	35.13	960.23	107.5	..... Oakwood Cañon.
Base of Angel's Peak.....	1.32	38.72	96.09	...	126.85	1,087.08	107.5	..... Oakwood Cañon.
Turtle Falls.....	3.60	42.32	171.61	...	617.78	1,704.86	107.5	..... Oakwood Cañon.
San Isabel Falls.....	1.13	43.45	181.32	...	204.90	1,909.76	107.5	..... Oakwood Cañon.
San Isabel Gulch.....	1.70	45.15	254.46	...	432.59	2,342.35	107.5	..... Oakwood Cañon.
San Isabel Valley (entrance).....	1.42	46.57	452.71	...	642.85	2,985.20	107.5	..... San Isabel.
San Isabel Rancho.....	2.27	48.84	...	12.32	— 27.98	2,957.22	64.72	..... San Isabel.
Summit of San Isabel.....	2.33	51.17	172.95	...	402.94	3,360.16	100.00	..... San Isabel.
San José Valley.....	3.44	54.61	...	...	— 591.97	2,768.19	— 42.00	..... Warner's Ranch.
Warner's Rancho.....	4.35	58.96	58.37	...	253.93	3,022.12	26.21	..... Warner's Ranch.

Warner's Pass.....	4.92	63.88	123.46	...	607.44	3,629.56	—102.00	.....Warner's Ranch.
Oak Grove	1.90	65.78	...	263.73	—501.09	3,128.47	—106.00	.....San Felipe Valley.
Outlet of Volean.....	6.84	72.62	...	90.45	—618.79	2,509.68	—106.00	.....San Felipe Valley.
San Felipe (Indian village).....	...	74.70	...	...	...	2,455.30	...	.....San Felipe Valley.
San Felipe Cañon (entrance)	2.25	76.95	33.48	33.48	—98.00	2,357.30	33.48	.....San Felipe Valley.
Rocky Point.....	1.54	78.49	...	136.80	—210.70	2,146.60	103.00	.....Valley leading to Desert.
Mouth of cañon.....	1.13	79.62	...	200.52	—226.60	1,920.00	103.00	.....Valley leading to Desert.
Gorge of the valley	7.40	87.10	...	60.00	—444.00	1,476.00	80.00	.....Valley leading to Desert.
Base of mountain (desert).....	12.20	99.30	...	65.32	—796.00	680.00	65.30	.....Colorado Desert.
Wide Arroya (Carriso Creek).....	10.80	110.10	...	60.00	—630.00	50.00	60.00	.....Colorado Desert.
Arroya of New River.....	20.00	130.10	...	7.50	—150.00	—100.00	7.50	.....Colorado Desert.
Seven miles North of Cook's Wells.	41.00	171.10	1.46	...	600.00	500.00	...	.....Colorado Desert.
Mouth of Gila.....	18.00	189.10	13.66	...	—320.00	180.00	17.70	.....Colorado Desert.

MAJORITY REPORT

OF THE

COMMITTEE ON CORPORATIONS

IN RELATION TO

FARES AND FREIGHTS ON RAILROADS.

THE STATE OF NEW YORK

IN SENATE,

JANUARY 18, 1880.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

MR. PRESIDENT: The majority of the Committee on Corporations, to whom was referred Senate Bills Nos. 357 and 298, relating to fares and freights on railroads in this State, and particularly to fares and freights on the Central Pacific Railroad, have duly considered the same—after examining numerous witnesses on the subject and hearing reports—and would respectfully report said bills back to the Senate with a substitute, and recommend the adoption of the substitute.

The substitute makes a material reduction in the present rates of fare and freight, in the aggregate, but discriminates so that this reduction shall not be so great on roads constructed at great expense and costly in operation over the higher elevations of the mountains.

The Committee have been induced to recommend the adoption of the substitute, for the following reasons :

The present limit of the rates of ten cents per mile for passengers and fifteen cents per ton per mile for freight, was established by law as far back as eighteen hundred and fifty-four; but, as yet, no railroad company in this State has paid a dividend to its stockholders. This may be accounted for by the sparseness of our population, and consequently limited amount of freight—a large amount of business being requisite to make railroads profitable.

Until after there has been a large increase in the population of this State, it is not probable that a reduction of fares and freights would have the effect of increasing the amount of business on railroads. At the present time, the reduction contemplated by the bills referred to the Committee would greatly diminish the receipts of nearly all the railroads, and render it unprofitable to operate many of them. If a serious reduction, as proposed by these bills, were to be made, many projected roads could not be built, as capitalists would not loan their money without the assurance of profit in their investment.

As regards the Central Pacific Railroad, the examination of witnesses before the Committee showed that it is necessarily built with high grades and numerous sharp curves in surmounting the Sierra Nevadas, attaining an elevation of seven thousand and forty-two feet in one hundred and five miles; that it requires a heavy expenditure to operate this road

and in keeping it in repair, as also in keeping the track clear of snow in Winter; that over eighty of one hundred and five miles require from four to five times the motive power to haul the same trains that is required on valley roads, thus increasing the cost of transportation in the same ratio.

It was in evidence before the Committee that this company is making every effort to construct its road to Salt Lake in advance of the time that the Union Pacific Road will reach the same point. Your Committee believe that success in this effort is of very great importance to the interests of the people of this State, as the trade of the interior of the continent will thus be brought to California. To be enabled to accomplish this work the company depends largely upon the sale of their own first mortgage bonds, and upon their capital stock. The price obtained therefor, as well as the rapidity of the sale of these bonds, are consequent upon the showing the company are able to make of the net earnings of the completed portion of the road. The reduction of rates proposed by these bills would greatly diminish these earnings and seriously affect the sale of their bonds and stock, and thus render it impossible for the company to compete with the Union Pacific Road in securing the business of the interior of the continent for California.

It is generally conceded that more railroads are required to develop the industries of this State, and numerous railroads are being projected and some are in course of construction. It is certain that the rates now allowed by law have not induced the investment of too much capital in these enterprises. We believe it would be bad policy for the Legislature to do any act, the tendency of which would be to prevent the construction of projected roads, or retard those now being built.

Where railroads have been constructed and are in operation, a reduction of rates would certainly benefit the people of the counties through which these roads pass; but it is the duty of the Legislature to regard the interests of the whole State in passing upon the question of a radical reduction of rates. We should not sacrifice the good faith and best interests of the State at large merely to cheapen railroad facilities to a few who are already well provided for, while other parts of the State are destitute of them.

The Central Pacific Company, since its organization, has been authorized by Congress to build a portion of the great national railroad from the Missouri River to the Pacific Ocean, and it has thus become a national corporation, subject to and governed by the national laws. There is no doubt that the rates of the company are subject to the regulations of Congress—a power specially retained by Congress in the Pacific Railroad Acts. It is an important question whether this right to regulate the fares of this company has not passed from the State to the National Government. It is quite certain it cannot be in both.

However this may be, there is another question of great importance—that is, whether we have a right, under our State Constitution, to discriminate against a particular corporation. The present law regulating railroad rates is an essential part of the general Railroad Law, passed in accordance with that clause in our Constitution which declares that “corporations may be formed under general laws, *but shall not be created by special Act*, except for municipal purposes.” Several of the bills referred to the Committee are clearly special Acts, limited in effect to a single corporation. If such laws accord with this constitutional provision, then such laws could be followed by others; and thus our railroad corporations, instead of being founded on one general law regulatinf

their powers, rights, duties and liabilities, would be governed by special Acts diverse in their character. There can be no doubt that this would be, if not subversive, at least clearly evasive of this important constitutional provision.

This clause of the Constitution was evidently adopted to prevent a great evil which existed in other States. When corporations derived their powers from special laws, difficult and expensive to procure, they became a kind of monopoly in the hands of the powerful and wealthy classes, who generally obtained by them special privileges, often burdensome upon the public. The main object of this clause was to overthrow this system, and to leave the creation of corporations, like partnerships, open to all who desired to participate in their enjoyment, subject to general regulations applicable to all alike.

Railroads have long been and still are one of the great wants of this State, yet but few have been constructed, and many of those projected or in the course of construction are struggling under great difficulties in their attempts to obtain the means with which to build. If, in addition to sparseness of population and necessarily small amount of transportation, is to be added the fear that the Legislature stands ready to reduce the rates so soon as there is a probability of profit on the capital invested in these enterprises, the door will be effectually closed against capital seeking this source of employment.

Under these circumstances, and until our system of railroads is built up and our roads declare dividends approaching those made by other corporations in this State, we regard it as bad policy to interfere radically with the present legally established rates.

We are confident that the reduction proposed by the bills referred to the Committee, before a single railroad has made any dividend to its stockholders, would result disastrously to our railroad interests. If the reduction sought for should be made, several of our railroads now in operation could not meet the necessary expenditures for operating their roads, for repairs and for interest on their indebtedness, and many others projected could not secure the means for construction.

The substitute bill reported by the Committee is the result of the examination of numerous witnesses of large experience in railroad enterprises, of men of capital who have invested in these works, and of others who await the action of the Legislature before investing in proposed roads. While it reduces the present rates, this reduction is not so great as to drive away capital or impair the credit of roads now being constructed. It proposes a direct benefit to the people of the counties through which constructed roads now pass; but, at the same time, this reduction is not so great as to prevent the construction of projected roads in other parts of the State. If passed as reported, it will be a benefit to the people without material injury to the railroad companies.

All of which is respectfully submitted.

PRATT,
For Majority of Committee.

REPORT OF THE SECRETARY

OF THE

BOARD OF DIRECTORS

OF THE

Agricultural, Mining and Mechanical Arts

COLLEGE.

NOVEMBER 7, 1867.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

OFFICE OF THE BOARD OF DIRECTORS OF THE AGRICULTURAL,
MINING AND MECHANICAL ARTS COLLEGE,
Sacramento. November 25th, 1867. }

To the Senate and Assembly of the State of California :

The Legislature, at its last session, passed an Act providing for the establishment of an Agricultural, Mining and Mechanical Arts College, and in joint convention a Board of Directors were appointed for the purpose of carrying into effect the provisions of the Act. The Board were authorized to purchase or accept donations of land suitable for the purposes of such a college, the minimum quantity of the same being fixed at one hundred and sixty acres. In the autumn of eighteen hundred and sixty-six, the Board invited proposals by advertising, as required by law, for donations of lands, and in response received propositions from individuals resident in the Counties of Santa Clara, Alameda, Napa, Sacramento, and El Dorado. In October of that year the Board visited Santa Clara, Alameda, Napa, and Sacramento Counties, made a personal inspection of such tracts of land as seemed at all suitable for the required institution, and adjourned without arriving at any definite conclusion.

On the fourteenth day of June, eighteen hundred and sixty-seven, the Board again met, all the members being present. After thoroughly considering the advantages and disadvantages of each locality visited by them, it was decided to locate the college in Alameda County; thereupon a committee was appointed of three members of the Board to negotiate for a proper site. On the fifth of November, eighteen hundred and sixty-seven, at the sixth meeting of the Board, the committee above named made a report presenting a proposition from the Board of Trustees of the College of California, in terms as follows :

“ At a regular meeting of the Board of Trustees of the College of California, held at the City of San Francisco, on the ninth day of October, A. D. eighteen hundred and sixty-seven, the following resolutions were adopted, namely :

“ *Resolved*, That the President and Board of Trustees of the College of California hereby offer to donate and convey to the State Board of Directors of the ‘Agricultural, Mining and Mechanical Arts College,’ one hundred and sixty acres of land in the Township of Oakland, Alameda County, including the lands between the two ravines, commonly known as the California College site, for the site and farm of the said State College.

“ *Resolved*, That in making this donation the College of California is influenced by an earnest hope and confident expectation that the State

of California will forthwith organize and put into operation, upon this site, a University of California, which shall include a College of Mines, a College of Civil Engineering, a College of Mechanics, a College of Agriculture, and an Academical College, all of the same grade, and with courses of instruction equal to those of eastern colleges.

"*Resolved*, That the President and Secretary of this Board be authorized to enter into a contract on behalf of this corporation with the State Board of Directors of the Agricultural, Mining and Mechanical Arts College, to the effect that whenever a University of California shall be established, as contemplated in the next preceding resolution, then the College of California will disincorporate, and after discharging all its debts, pay over its net assets to such University.

Attest:

"S. H. WILLEY,
"Secretary Board of Trustees of College of California."

The Board, after making a personal inspection of the tract of land proposed to be donated by the College of California, unanimously voted to accept the donation as set forth in the first of the foregoing series of resolutions. The title is now being examined by the Attorney-General, and, if found satisfactory, the fee simple title to the lands will pass to the State. The provisional contract, suggested in the last resolution of the Trustees of the College of California, was not acted upon, as it was not considered within the province of the Board to go further than to accept the donation, or make the purchase of the lands desired.

The Board of Directors are gratified at the favorable results of their labors, and they are firmly of the opinion that the location fixed upon for this important enterprise is the most desirable to be found in the State. In its climate, soil, and beauty of scenery, it is peculiarly adapted to the wants of a great practical and educational institution, and it is to be hoped, for the credit of California, that the youth of the State and the working classes may here find the means of enjoying a liberal and thorough education, as complete in all its appliances and as entirely within the reach of all who studiously prepare themselves for it, as is to be found in the best of kindred institutions of the older States.

The Act of March thirty-first, eighteen hundred and sixty-six, under which the college is to be organized, appears to contemplate the establishment of a university which shall combine, under one management, schools or colleges in which shall be taught all the higher branches of learning. While it is the unanimous opinion of the Board that the apparent aim and intent of the Legislature should be carried out, they beg leave to suggest that such amendments should be made to the Act as will more clearly define the intent of the Legislature.

It will be found that the available means arising from the land grants will be entirely inadequate for the erection of suitable buildings and the establishment of the college on anything like a proper basis. In view of this, and recognizing the great necessity of prompt action on the part of the State to put this institution into successful operation as early as may be, the Directors earnestly recommend an appropriation of one hundred thousand dollars, to be expended during the next two years in the erection of suitable college buildings and the arrangement of the grounds.

W. E. BROWN,
Secretary of the Board.

MINORITY REPORT

OF THE

Committee on Federal Relations

CONCERNING

ELECTORAL VOTES OF STATES ORGANIZED UNDER THE
RECONSTRUCTION ACTS OF CONGRESS.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

Mr. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Resolution No. 15, having considered the same, and failing to agree upon a recommendation, the undersigned, a minority of your Committee, respectfully report:

That a correct solution of our duty in the premises involves a consideration and proper understanding of the whole form and system of our Federal Government.

That our Government was, before the adoption of the present Constitution, confederate, is conceded by all; but since that event it has been variously designated as National, Federal and compound Federal.

While the minority of your Committee deem it unnecessary to offer their reasons therefor, it is respectfully submitted that it is compound Federal in form, and exercises a limited governmental control in a designated sphere, under and by virtue of an express written grant of authority from the States, and was made for the States in contradistinction to the people; was generated and matured into its fair proportions in the assent of the people to this grant, expressed through Conventions and Legislatures of the several States at different times and in different places, in their capacities as States, and can be perpetuated only by a continuance of the assent of the people of the several States, expressed or continued in the same mode as that originally adopted and practiced.

That the States made and can destroy our Federal Government, and this without revolution, is demonstrably true.

The States can, by local enactment, peacefully destroy the very machinery by which a Member of Congress or even a President could be elected! Destroy the assent of the people to the grant of authority referred to, and our form of Government is *ipso facto* destroyed. Americans will not voluntarily pay tribute to support that which they do not believe ought to be supported. Our system of government is founded upon the theory that every voter retains that liberty of choice with which he was endowed by his Creator—to choose the good and reject the evil. It is this liberty which we claim is inalienable, and this principle applies as well to our State as to our Federal forms of government. In the former we fix by organic law a limitation of authority, and declare all political power inherent in the people. To the latter we,

by organic law, simply grant certain defined written authority. If the former, by enactment of statutes or otherwise, transcends the organic limits, its Acts are simply void and bind no one; and so, if the latter cannot show its warrant in the written grant of authority before referred to, its Acts are simply void and bind no one; and every individual within the jurisdiction of either Government may treat such Acts as nullities. Nor can any man in this broad Union, high or low, in or out of office, great or small, exercise any kind of public authority without his warrant of law. Law, as here used, means more than an Act of Congress, or an Act of the Legislature of any State within the Union. If of Federal concern, it means an Act in due form, for the passage of which an authority can be pointed out in the written grant. If of State concern, it must be within the limitation of authority contained in and not forbidden by the organic Act.

If a State Government, by the use of the power with which it is clothed, enforce against the people the provisions of an Act clearly beyond the limit of its authority, or forbidden in the organic Act, the people would at once be forever absolved from all allegiance to that Government, because our State government is in its nature a covenant between the people and the governing power, and a covenant broken by one party to it is no longer binding on the other. Our Federal system is in the nature of a covenant between all the States and the governing power; and should that Government, by the use of the power with which it is clothed, enforce an Act against a State and the assent thereof, for which Act it can find no warrant of authority, or which does not exist by necessary implication in the written grant by the States to it, then such State is forever absolved from its allegiance to that Government.

The principle is a familiar one of great moral and universal right. Solomon in his proverbs, declared that a covenant broken by one party is no longer binding on the other. The Creator of man covenanted and promised the priesthood to the sons of Levi as an everlasting covenant, and when the covenant was broken by them, he no longer regarded it as binding on Him. The same great Being covenanted that the children of Israel should possess the land that flowed with milk and honey as an everlasting covenant; when broken by them it was no longer regarded by Him.

The minority of your Committee, in view of the system and form of our Federal Government as simply suggested in the foregoing pages of this report, have sought, by a fair and proper application of the sacred principles involved, to present to the Senate a few short and concise reasons in favor of the adoption of the resolution.

First—There can be no warrant found in the written grant of authority to legislate upon the question of suffrage, nor can the minority of your Committee find that it exists by necessary implication.

Second—There can be no warrant of authority found in the written grant for the appointment of Presidential Electors by other than State authority, nor for making a list of the persons voted for or the number of votes for each, nor for signing or certifying, sealing or transmitting the same to the seat of the Federal Government.

Third—There can be no warrant of authority found in the written grant for the President of the Senate to open a certificate sent to him from others than Electors appointed in the manner directed by the Legislature of each State, nor for counting such votes in the presence of the Senate and House of Representatives.

Fourth—Though it is conceded that a State may exist out of the Union, no warrant of authority can be found in the written grant for limiting the Electoral vote of a State unless it is in the Union, nor can any be found for compelling a State to come into the Union against the wishes of its citizens.

Fifth—If it be contended that the Federal Government may deprive the citizens of any of the States of the privilege of citizens as a punishment for political or other offences, then it is submitted that no warrant of authority can be found in the grant for the punishment of any citizen of any State in or out of the Union except in the mode and manner prescribed in the written law, as hereinbefore defined; and to concede that such an authority exists would inevitably destroy the assent of the people of the several States, which, as hereinbefore insisted, is necessary to the perpetuation of our Federal form of Government; for while it may be conceded that, for the time being, the dominant party can thus punish political offenders and exclude by force from the privilege of the elective franchise those whom it insists would vote wrong, and by the same means permit those only whom it insists would vote right, it must be remembered that in turn the dominant may in a short time be the minority party; and the example having been set and the precedent established, the Northern Democracy may exclude by the same means from the privileges of the elective franchise all those who for several years past characterized them as Copperheads, rebels, traitors and allies of the enemies of free government. And this may all be done upon the same plea that it is now contended the citizens of the Southern States, or a class thereof, are excluded, viz: They would vote wrong and are enemies of the Federal Government, or have been guilty of some offence. What Northern Democrats would now deny that the present dominant partizans in Congress are enemies of our Federal Government? It is respectfully submitted that they would all agree to this proposition, and many of them insist that their adherents are alike guilty and deserving of punishment. It was thought at the time of the adoption of the Constitution that there was no danger, on the ground of the facility with which the people could hold Conventions and recall their delegated authority or powers and change their servants; but we, Mr. President, are living witnesses of the mistake they made. If our Federal Government can control the question of suffrage in the States, or count the Electoral vote thereof under an Act of Congress excluding from the privileges of the elective franchise a class of the electors of such State, without warrant of authority in the written grant, then the political opponents of those in authority, in turn, when successful in the struggle for place, will punish political offenders with great rigor and severity, and finally the liberties of all the people are lost to them forever, or one continued strife and anarchy ensues.

The minority of your Committee beg leave further to report that they do not deem the Federal Government a Government proper, in the ordinary and general meaning of that term, because.

First—It can furnish no remedy for the enforcement or protection of a right, or the redress or prevention of a wrong, between the citizens of a State in the most ordinary cases. It cannot protect the life or person of a citizen of California. It cannot furnish a remedy by which we may recover the possession of our property if unjustly taken by another. It cannot provide a mode or furnish a remedy to compel the payment

of debts. It cannot provide a law of descents or distributions. It cannot provide for the punishment of crimes, except such as are committed against the Revenue or Postal Laws, and, perhaps, trespasses upon the public lands of the Federal Government. It cannot punish murder, arson, burglary, larceny or assaults, nor any of the crimes committed against the laws of the State of California; nor can the Federal Government, or any officer thereof, grant a reprieve from, or commute or pardon any offence against the law of this State.

The Federal Government was made by the States, and was made for the States (that it was made for the States, is expressly declared in the preamble to the Constitution of the United States, which is the same thing), and they can destroy it. But by this it is by no means intended to imply that a State, or any given number of them can secede at pleasure; for it is perfectly clear that both the Constitution and the Union were intended to be everlasting, but upon the reasonable covenant and condition, nevertheless, that the Federal Government would rule and govern in its particular sphere, and enact and enforce statutes only for which it could find authority in the written grant hereinafter referred to.

The minority of your Committee further report that if in the coming Presidential contest—less than one year to come—an attempt should be made to count the Electoral votes of the Southern States and the result of the election should depend upon the count of the vote of those States, a more disastrous struggle may ensue than ever did on the continent. The result may be two Presidents, both claiming to be President of all the people and the United States, with their partizans and political adherents in every neighborhood and section of this vast country, equally sanguine, zealous and conscientious—both claiming to be friends of the Constitution, Union and Government. Yea, more: your Congress and Legislatures may be divided, the partizans of each arrayed in deadly hostility one against the other, the President and leaders of each faction claiming to be the legally elected representatives of the Government, and both struggling for the control and management of the army and navy, the revenue and treasure of the people.

The liberties of the people of all the States, the perpetuation of our form of Government, the welfare and happiness of generations in the future, may depend upon the issue.

Of course the minority of your Committee cannot predict with any degree of certainty that such a calamity will follow; but profoundly impressed with a belief that no warrant of authority can be found, either express or implied, in the written grant for the enactment or enforcement by Congress of the so-called Reconstruction Acts, beg, with great respect to the opinions of others, earnestly to assure the Senate and the country of its convictions of threatened prospective danger in the attempt to count the Electoral vote mentioned in the resolution.

Further, report that no crime or offense committed by others, nor feeling of resentment toward them, should induce us to violate or neglect our reasonable public duty or be guilty of a great wrong to ourselves, and therefore recommend the passage of the resolution.

PEARCE,

For minority of the Committee.

R E P O R T

OF THE

Committee on Mines and Mining Interests

ON THE

STATE GEOLOGICAL SURVEY.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

ASSEMBLY CHAMBER, }
March 10th, 1868. }

Mr. SPEAKER: The Committee on Mines and Mining Interests, who were instructed by a resolution of this House to visit the rooms of the State Geologist, at San Francisco, to inquire into the progress of the Geological Survey, to report upon the propriety of continuing the same, and the probable appropriation required therefor, beg leave to report:

That, in conjunction with the Senate Committee on Mines and Mining, they appeared before the State Geologist, at his rooms in San Francisco, on Monday, February twenty-fourth, eighteen hundred and sixty-eight. Your Committee made inquiry into the financial condition of the Survey, and from statements submitted by Prof. Whitney, and on examination of his accounts are of the opinion that the appropriations made by a preceding Legislature were fairly and legitimately expended, within the provisions of the Act creating the office of State Geologist and authorizing the Survey.

Owing to a meagre and inadequate appropriation by the Legislature of eighteen hundred and sixty-five and eighteen hundred and sixty-six, the progress of the Survey has been less rapid and not as satisfactory as was hoped for and expected.

To keep alive the Survey in its various branches, the appropriation was exhausted several months before the meeting of this Legislature, and the State Geologist has advanced about ten thousand dollars; besides which, a small amount is due to others in the employ of the State, for services which have been and are being performed.

Your Committee examined the specimens on exhibition, carefully classified and labelled in the various rooms of the State Geologist, embracing the mineralogical, botanical, ornithological and zoological departments, said to number more than twenty thousand specimens.

The geological department proper was represented by a large collection of metals and minerals, among the most useful of which were to be found gold, silver, copper, iron and lead ores, and cinnabar, sulphur, coal, etc.

The botanical department held in preservation an extensive and complete collection of every herb and flower to be found in the State.

The specimens in ornithology were numerous and exhaustive, comprising birds and fowl both useful and beautiful.

The zoological cabinet contained the exhumed frames of animals of the present and mediæval ages of the earth, including the megasthenic mammalia coupled with the piscine remains of a diluvian period.

The topographical feature of this great work is evidenced by a number of finely drawn maps completed, and many more in various stages of progress. These maps are bought with avidity in this State, in the Eastern States and in Europe, and the sale of them, when the set is complete, promises to be immense. By law, the sums derived from this sale are paid to the credit of the State School Fund, and give promise of aiding materially in supporting our common schools. The different branches of science embraced within the scope of this survey are being wrought up under the care of eminent Eastern professors; and, when completed and published, will present an able and exhaustive treatise on the geology, zoology and botany of this State and a valuable auxiliary to the text books used in our common schools and State Universities of learning.

Like all great public enterprises, this Survey has grown upon its projectors and patrons, in extent and importance, as the work progressed. The utilities, curiosities and wonders, the result of geological investigations in this State, have been various and many, and have opened a vast field for the researches of the merely practical, as well as for antiquarian and scientific investigation.

Scientific research, then, under the auspices of this State Survey, having developed in mineralogy the existence of metals and minerals hitherto unknown, and having thus added to the material and prospective wealth of the State and the individual, the eyes of all classes of citizens are looking with interest to the full, rapid and successful accomplishment of this survey.

This Legislature may fail to make proper appropriation for its continuance; but ultimately, and shortly too, this work will be resumed. Shall this work, now in some branches nearly completed, and in all others in a fair way of progression, be permitted to die, and the sum of one hundred and twenty-five thousand dollars already expended be lost to the State and the citizens thereof, who deemed the survey a necessity, inaugurated it and sustained it thus far? The connecting links in the chain of our progressive development should not be broken, in the judgment of your Committee, by either apathy or antipathy on the part of the members of this Legislature to the granting of an appropriation adequate to and commensurate with the rapid and successful completion of this work—peculiar, distinctive and necessary to us as the greatest and richest of States for minerals known. Our State is about to establish, under the patronage and subsidies granted by and asked for from Congress, a College of Mines. This College should receive that further and appropriate endowment—the scientific and practical knowledge to be gained only by the full completion of this State Survey.

Under the estimates of the State Geologist, the amount of money yet required to be expended to fully complete the work is one hundred and twenty thousand dollars—sixty thousand dollars of which are asked for at the present session. With the amount asked for, the State Geologist assures us this survey can and will be completed within four years from this time.

The want of proper information with regard to the progress and utilities of this work, and the necessary cost attending its prosecution, has

engendered prejudices against its continuance. Your Committee would respectfully suggest to the State Geologist the propriety of advising the public, from time to time, in epitome, through the medium of the press, where investigations and surveys are going on, and the general results of his labors. Local information and support will thus be gained and added to the store of general information acquired; and the people, who are taxed for its support, will give more largely and less grudgingly when its benefits are set before them and they assume a practical form with happy results, demonstrable and tangible.

All of which is respectfully submitted.

CLARK, Chairman.

MEMORIAL
OF
JOSEPH NEUMANN
IN RELATION TO
SILK CULTURE IN CALIFORNIA.

D. W. GELWICKS.....STATE PRINTER.

MEMORIAL.

To the Honorable the Senate and Assembly of the State of California :

The undersigned, Joseph Neumann, pioneer silk manufacturer of the Pacific Coast, and practical worker in that especial branch of business, memorializes the Legislature in favor of silk manufacturing in this State, and begs leave, most respectfully, to submit for your careful consideration the following facts and suggestions :

I have been a resident of the State of California for upwards of ten years, resided in San Francisco the greater part of the time ; and as it is a well known fact that when mechanics leave their home to emigrate to other countries, that they do not do so for the sake of seeking fortunes, but simply to improve, if possible, their situation in life, when I first arrived in California I commenced to study on this point so as to establish a silk manufactory in this State. But after a careful examination of the facilities of the land, and the probability of my obtaining machinery, tools, raw material, etc., and the tariff being so low at that time, it was a proof to me that I could not compete with foreign manufacture, and therefore I was compelled to abandon the idea, and had to turn my mind to other things so as to earn a livelihood for myself and family.

I followed the business of cigar and tobacco vendor, in which business I remained for over six years, and met with some success and some misfortunes.

I wish now to draw your attention to some of the facilities this State, at the present time, affords for the encouragement of silk culture and manufacture. They are as follows :

1. The Government of the United States having within the last few years raised the tariff on all imported goods, thereby giving to the mechanic a chance to display his skill and knowledge, so that the United States can be made independent of other countries.

2. From my personal observation, I believe that this State must become the greatest silk producing country in the civilized world, if properly cared for, as the climate is unsurpassable and the people energetic.

3. That since steam communication has been established between this State and China and Japan, it has opened a new field for obtaining the raw material in quantities to suit. It is a well known fact that the European manufacturers obtained the greater part of the raw material from China and Japan. Before the establishment of a line of steamers between this State and China and Japan, the Eastern manufacturers obtained their raw materials for manufacturing purposes from London, England; but since the establishment of this line of steam communication between China and Japan they now receive all their supplies through San Francisco.

4. The spinning department can be worked successfully with children, from thirteen years of age and upwards, of which we have a great number.

5. It will be seen by these statements that silk can be manufactured to a greater advantage in this State than in any other part of the United States.

At the meeting of the last Legislature of this State, in the year eighteen hundred and sixty-six, there was a bill introduced into the Senate by the Rev. Dr. Benton, for the purpose of encouraging silk culture and manufacture in this State.

The bill was referred to a Committee on Agriculture, and also to a Special Committee on Silk appointed for the purpose of investigating that matter. I was sent for to attend those committees, to give such information as would be of service to them, the committees, knowing that I was practically informed in regard to such matters. I attended and gave all the information that was required of me.

The Rev. Mr. Benton's bill was referred back to the Senate, and was not again noticed during the session. In consequence of this, the former Legislatures have failed to pass an Act for the encouragement of silk manufacture in the State. In spite of all this, with a full knowledge of the profitableness of this branch of industry, and in the belief that if a little start be made in order that the public may be convinced of its vast importance, I left on the tenth of April, eighteen hundred and sixty-six, for the Eastern States, with the intention of proceeding to Europe for the purpose of purchasing machinery and necessary tools for the establishment of a silk manufactory in this State. I found, on my arrival in New York and other places in the Eastern States, to my surprise, that the silk manufacturing business had been fairly established there. Thus, for instance, that Paterson, New Jersey, had at least six silk manufactories, and gives employment to from six to eight thousand hands. Also, in the City of New York, there are several manufactories; in Philadelphia, and some other places.

On visiting the above named places and inspecting the manufactories, I found it no easy matter to gain admittance to these factories. I found that they were filled up with all the modern improvements of the day in machinery, etc, so that I was enabled to purchase all I required without extending my visit to Europe.

I returned to California in the latter part of August, eighteen hundred and sixty-six, with a complete set of machinery for the purpose of manufacturing sewing silks, embroidery silks, and all other kinds of silks. For the purpose of a weaving and trimming manufactory, I also bought a set of looms, in all about fifteen.

On my arrival in San Francisco, I ascertained that the State Fair was

to be held in Sacramento in September, eighteen hundred and sixty-six, and immediately set myself to work and erected two looms, and succeeded in presenting at the State Fair a sample of silk dress goods made by my own hands, and was presented with a diploma and silver goblet for my enterprise in producing such work.

I also presented a sample of the same kind of goods at the Stockton Fair in the same year, and other places within this State. I may also state that I received a diploma from Contra Costa for my exhibition of silk manufacture.

On my return from the Fairs to San Francisco, I completed a dress pattern, and extended an invitation to the members of the press and to merchants in the silk line of business in San Francisco, so that they might examine my work, and they pronounced it good; and from that time the members of the press have aided me as much as lay in their power.

In January, eighteen hundred and sixty-seven, I hired a show window on Montgomery street, San Francisco, for the purpose of exhibiting to the public my fabrics of silk from the cocoons to the finishing of the dresses, and for which I was under very heavy expense. My means being exhausted, I made an effort to induce capitalists to assist me, but I am sorry to say that in spite of all my efforts, I could not succeed in getting any person to invest in the business. It is well known that our capitalists in California do not invest one dollar unless they can be sure of getting a return on their capital invested of three dollars to one, and that immediately.

In June, eighteen hundred and sixty-seven, I succeeded in getting a party to assist me in incorporating a company with a capital stock of two hundred and fifty thousand dollars, and for some reason that will not do for me at the present time to state, the speculation fell to the ground.

In September, eighteen hundred and sixty-seven, I again presented at the State Fair held at Sacramento all the silk manufactured by me in this State; also a loom erected by me, and wove silk in the presence of the public, and a reeling machine invented by me for the purpose of reeling silk from the cocoons, and for which exhibition I was presented with forty dollars for my efforts in this line of business. The society also, as an appreciation of my efforts and the importance of the enterprise, gave me one hundred and fifty dollars to cover in part my expenses.

I gave the same exhibition at the Stockton and San Jose Fairs. At the former place I received seventy-five dollars and a gold medal, and at the latter place the sum of fifteen dollars as premiums.

Through these efforts made by me I again succeeded in attracting the attention of other capitalists, who proposed to raise a small capital of fifty thousand dollars, in order to give me the opportunity of prosecuting my designs; but before I could have an opportunity of displaying to them my capabilities, this speculation also fell to the ground.

Through these capitalists declining to assist me my enterprise would have been abandoned, if my attention had not been turned to the foundation of the present Mechanics' Pioneer Silk Manufacturing Company of this State, incorporated in accordance with the laws of California, the capital stock of which amounts to one hundred thousand dollars. Two thousand shares of fifty dollars each, to be paid in small instalments, which will take fourteen months ere the capital stock (if the whole of the stock is taken) will be paid up. After two and a half months labor we have only fifteen thousand dollars of the capital stock taken, and that

chiefly by men of small means; and, I am fully confident that it will take us six months more before we can get another fifteen thousand dollars subscribed, unless the State will fix a premium as an inducement for capital to come in, as it will require at least eighty thousand dollars to get the factory into operation.

I am also very much afraid that unless the present Legislature take some steps to help this matter along, this will prove a failure, and California will lose its opportunity of having a silk factory for many years to come.

As a further proof to you of the pains I have taken to carry this valuable enterprise into effect, I will minutely describe what I have been doing up to the present time.

I have manufactured a hundred yards of silk dress goods, each and every yard of which cost me, at the least calculation, fifteen dollars per yard. I then cut the same into small pieces and distributed them among the public of this State, for the purpose of enlightening them upon this subject. I bound myself to deliver to the Mechanics' Pioneer Silk Manufacturing Company, which I have before alluded to, the machinery, looms and property, at a cost of about two thousand five hundred dollars less than my outlay for the same; and lastly, I have devoted three years of hard labor and study into the bargain.

Considering myself a public benefactor, I trust that your honorable body will not for one moment imagine that I have laid this matter before you in the hope of deriving any pecuniary benefit, so far as I am concerned, as I am convinced that so soon as a silk manufactory will be in operation in this State, time alone will compensate me for all my endeavors. I wish now to call your attention to the silk prospectus prepared by myself, and which you will find attached hereto, and by a close examination of which you will find the most interesting points in regard to silk culture and manufacture:

ESSAY.

[Extract from the Sacramento Daily Union of September 17, 1867. Silk manufactory prospectus as herein referred to.]

Secretary Hoag introduced Rev. I. E. Dwinell, who was listened to very attentively while he read the following essay on silk culture, written by Joseph Neumann, of San Jose:

The culture and manufacture of silk has ever been one of the greatest and most prolific branches of industry on our globe. Since the time that the wise Empress Si-Sing-Chi, of China, conceived the idea of taking the precious silkworm into her parlor, and bestowing particular care upon it, this business has been increasing and improving. It has steadily kept on spreading to Persia, Turkey, Italy, France, Germany, England, and over the Atlantic to the United States of America. In its turn it has reached California, and in order to prove that it will be as profitable here as in any other part of the world, and in reference to the establishment of a silk factory in California, with which a fair commencement has been already made, I beg leave, through the favor of your Society, to lay this essay before the public. It has been said that our enterprise is premature; that we are ten years ahead of our time. Such assertions may be uttered by those whose interests are opposed to home manufacture, or by that class contented with things as they are. To such I say that a silk factory ought to have been established three or four years

ago, and I hope to prove my assertion by the following statement of facts, to which I crave the careful attention of all Californians :

First—A silk factory in California will have an indisputable and important advantage over those of the Eastern States and Europe, in consequence of our being so near to China and Japan, and having a direct steamship communication with those countries, so that we can import our raw material at less cost and in less time.

Second—The culture of silk in this State has advanced to such an extent that California bids fair to rival the silk growing countries of the Old World. We have about four hundred mulberry plantations now, which will be trebled next year; and, in a few years, we can expect to have sufficient raw material for our own manufactures, with a surplus for exportation.

Third—There is no import duty whatever on raw silk; and as the Eastern, as well as the European manufacturers have to pay the same price for it as we have, our advantage over them is evident—we can turn the raw material into a fabric before it reaches those more distant markets.

Fourth—A great deal has been said about labor. One question was: Can we obtain operatives here? It is ascertained beyond doubt that for the next twelve months we shall have more labor offering than we shall be able to employ; by the last two or three steamers several practical hands arrived and made application for work.

They had heard and read in our papers that a silk factory was being started here, and on this account had emigrated to California. As soon as it becomes known that work in that particular branch of manufacture can be obtained here, workmen will flock to our shores by hundreds.

The next question is about the high price of labor. Concerning wages in Eastern factories, we are on equal footing with them, since good mechanics are as well paid there as here. The work to be done in the spinning department is generally performed by children, who are easily taught; and we have enough young ones in California whose parents will be glad to have them employed in so useful a manner. But some doubts have been expressed about our ability of competing with European labor. It is certainly true that the price of labor in Europe is far below ours. Nevertheless, our advantages more than counterbalance this drawback. For example, a silk weaver in Europe earns five dollars a week (this kind of work is everywhere paid for by the yard); but should he earn fifteen dollars here, we should still be able to sell below the import prices and make a handsome profit. The calculation is as follows: One yard of silken dress goods, weighing three ounces—of which a man can make six yards a day, more or less, according to the character of the silk or the skill of the workman—costs the European manufacturer, after finishing ready for market, two dollars and fifteen cents, calculating fifteen cents a yard for wages. By trebling these wages it would cost us here two dollars and forty-five cents. For a yard of silk of this quality our importers have to pay in Europe two dollars and fifty cents. To this sixty per cent. import duty, and fifteen per cent. for freight, insurance and exchange—together, seventy-five per cent., or one dollar and eighty-seven and a half cents—are to be added, which brings the cost price in San Francisco as high as four dollars and thirty-seven and a half cents. Thus it will be readily seen that we can sell such fabrics much cheaper, leaving a large margin for profit. The same proportion applies to articles of higher or lower quality and value.

Fifth—Sewing silk, embroidery silk, tram and organzine silk. These

descriptions of silk are to be considered as an important branch of the manufacturing business; and the Pioneer Silk Factory has already a complete set of machinery with which to prepare all varieties of these silk goods. The following statement will convince the reader that no doubt can exist as to the profit to be derived:

Sewing silks, in skeins, are selling in this market at from seven dollars to sixteen dollars per pound. Sewing silks, on bobbins or spools, such as for tailors, shoemakers, saddlers, or for use in sewing machines, sell from fourteen dollars to eighty dollars per pound. Tram and organzine are only for weavers and trimming manufacturers. The prices of these range from fourteen dollars to twenty-four dollars, according to quality and color. Embroidery silks are from ten dollars to thirteen dollars in price here. The above named articles are hardly at all imported from Europe, being chiefly manufactured in the Eastern States exclusively by women and children. The wages of the latter range from four dollars to twelve dollars a week, and I am aware that we can have even cheaper hands here. As the raw material can be laid down here from four dollars and fifty cents up to nine dollars per pound, the public may form an opinion as to the profits of the manufacturer.

It is well known that whoever has started this industrial enterprise, no matter in what part of the world, has always succeeded in making an independent fortune; such, for instance, as the silk factory in the City of Brandenburg (Prussia), where I first learned weaving, belonging to the firm of Jacob & Abraham Meyer. It was commenced in eighteen hundred and twenty-six, with a capital of, at most, six thousand thalers. This factory, when I left it in eighteen hundred and fifty-four, employed more than one thousand hands in weaving, winding soft silk, and making spools for filling. It produced from four hundred to five hundred pieces of all kinds of dress goods monthly, each piece of a length of from eighty to ninety yards. Their principal place of business is now Berlin, where they employ about two thousand hands more, in small groups of from six to fifty hands, to whom they pay higher wages on account of the factories belonging to masters with small means. The factory is now in the hands of the children and grandchildren of the first founder, and their fortune is estimated to be from six million to eight million dollars—certainly a handsome increase since eighteen hundred and twenty-six, in spite of their heavy annual losses.

The establishment of silk factories in Prussia was already a favorite scheme of Frederick the Great, and he had mulberry trees planted as early as seventeen hundred and sixty-three. Now the business is highly prosperous not only in Berlin and adjacent towns, where from fifty thousand to sixty thousand hands are employed, but also in Crefeld, Elberfeld and other parts of the kingdom.

In Switzerland the silk manufacturing business is flourishing, and ranks next to France.

The City of Vienna also has factories, in which five thousand hands are employed.

There is also a large factory in Pesth, Hungary, in a thriving condition.

Italy was the first country in the European continent where silk culture and its manufacture was introduced, and in Piedmont there is hardly a town or village which does not produce something of this article.

Let us glance at France. Is there any branch of industry which has added more to the glory and wealth of that country than the silk manu-

facturing business? There is not; and this being so well known everywhere, I need not say more about it.

In regard to silk manufacturing in England, it is also notorious that at Manchester, Macclesfield, Derby, etc., thousands and thousands of hands are employed in it. Lombe, of Derby, in seventeen hundred and sixteen, disguised himself as a workman, went to Piedmont, and succeeded in taking drawings of the machinery for making organzine, which article up to that time was always imported into England. There are silk factories in St. Petersburg, Warsaw, Capital of Poland, and other places, too many to enumerate them here. But it will be seen from the above that there is hardly a country on the European Continent where this business does not exist. Now, let us look into the present condition of the silk manufacturing business of the United States. We can estimate, at a low rate, that between fifty and eighty thousand hands are employed in it. Take, for instance, the factories in Paterson, New Jersey:

First—Thomas Dale & Co. This factory was finished, but the machinery not quite in operation, when I visited it last year. I estimate that it contains about two hundred thousand dollars worth of machinery. It is a brick structure of four stories high. The firm must give employment at this time to from six hundred to one thousand hands.

The next in importance are Hummel & Booth, employing also several hundred people; Rile & Son, Abraham Tilt & Son, and four or five others. Besides these, there was a silk velvet association, incorporated about two years ago, with a capital of five hundred thousand dollars. Their principal place of business is New York. There are large factories in Connecticut and Massachusetts. In Philadelphia we especially have to mention the factory of Hausmann & Son. It is managed on a large scale. There are also the works of Tom Harrop, John Smith and several others.

All these above named factories manufacture solely sewing silk, embroidery silks, tram and organzine, and are very little connected with weaving.

There are some factories in the City of New York, as well as in Connecticut, the principal business of which is weaving.

But we shall combine all of these separate branches of weaving, spinning and dyeing in California. None of those factories in the Eastern States have such facilities offered to them as we have in our State:

First—There is the steamship communication with China and Japan, by which we can get the raw material cheaper and quicker than any other manufacturer on the globe; and

Second—The culture of the silk worm, which has advanced to such an extent that within a few years we shall have enough of our own raw material.

The reader will see that everything said above is based upon facts, and that in any emergency we are able to manufacture silk goods considerably cheaper than they can be imported either from the Eastern States or Europe, and I am convinced that no better chance for investment was ever offered to the public than this silk manufacturing business.

I also add a report of the Committee of Judges at the State Fair held in Sacramento in September, eighteen hundred and sixty-seven.

[Extract from Sacramento Daily Union of September 19th, 1867.—Report of Committee as above alluded to.]

To the President and Board of Directors of the State Agricultural Society:

GENTLEMEN: The undersigned, appointed a committee to act as judges in making awards on articles exhibited at the State Fair, in section thirty-three, class one, in the third department, hereby respectfully present their report:

We award to L. Prevost, for best general exhibition of the silk business throughout, from the feeding of the worms to the weaving of silk goods, the first premium of fifty dollars. We award to Joseph Neumann, for best specimen of silk manufactured, not less than five yards, the first premium of twenty dollars; also, to the same party, for best specimen of raw silk, the first premium of ten dollars; also, to the same party, for the best silk cravat, the first premium of ten dollars. We award to Mrs. Muller of Nevada City, for the best pound reeled silk, made in family, the first premium of ten dollars.

In closing our report, we will state that from the data given us by the parties exhibiting silks and fabrics made from California silk, and from other sources, we feel it our duty to congratulate the people of California on the evident progress which has been made within the last year, in this State, in these most important branches of domestic industry. We are confident that this progress is not ephemeral, but is the result of practical knowledge on the part of culturists and manufacturers, and that a new and profitable source of labor is to be firmly established among our people, to their moral and pecuniary benefit, and that the representations of silk culturists at the State Fair of eighteen hundred and sixty-eight will convince the most skeptical.

HORACE B. DUNN,
W. B. EWER,
Committee.

It is a well known fact that silk factories are necessary to support silk culture, by giving or creating a demand for the raw silk. It is equally as well known that silk culture is necessary to the support of the factories. Each is dependent upon the other. There are hundreds of persons who have commenced in a small way the cultivation of the mulberry trees who have no idea of asking a premium from the State, but simply because they know we have a footing, and they can therefore find a market for their cocoons. The State a few years since offered a premium on hops to the amount of twenty-two hundred dollars, seven hundred and fifty of which has been taken, and the result is, that California has already become one of the most noted States in the Union for her hop culture; and the capital now engaged in production of hops pays annually to the State more money in taxes than the State offered in premiums. At the same time the State offered a premium for raw and manufactured cotton, and the result is that a mill came to the State from Oregon, and is now constantly employed making up on raw material and furnishing millions of socks annually for our State.

The State also offered ten thousand three hundred and fifty dollars for various kinds of woollen goods, eight thousand nine hundred and fifty of which has already been taken, and as a result we have already four woollen mills in the State, manufacturing one-third of our entire wool product, and paying in the aggregate, according to my estimation, an

annual revenue to the State equal to four times the premiums paid. Many other branches of industry have been encouraged in the same way with equally beneficial results.

So it will be with silk culture and silk manufacture. So soon as the first million of cocoon will be sent to market, those raising them will obtain a full price for the production of their labor; and as soon as it becomes known that there can be a silk factory kept in operation in the consumption of California silk cocoons—thus creating a constant demand for them, the producers thus supplying the factory, and the factory creating the demand for the raw material—thousands who cannot now be induced even to listen to the subject will be anxious to invest their money in silk culture and manufacture, and the State will, as in the cases above cited, be receiving an annual revenue of more than she will ever be called on for in the payment of premiums now offered or likely to be offered for silk culture and manufacture. And I may truly add, that the silk industry will in a very few years become the first and most profitable industry of the State.

Again: How much longer shall we consent to remain the chief support of some of the most dangerous monarchies of Europe by remaining the chief consumers of their staple product. We should not forget that each silk dress worn by our wives or daughters pays a tribute of from eight to ten dollars to some enemy of democratic institutions. Is this not taxation? Indirect, it is true, but none the less taxation. The impost duty on all clean silk manufactured goods is sixty per cent. Now suppose that our importation of such goods into California be only three million dollars per annum in value; our indirect tax paid on the same would be one million three hundred thousand. But our real importation is from five million to six million dollars, and consequently our impost taxes are nearly double the above figures. Now, how shall we get rid of this enormous indirect tax? The answer very plainly is, stimulate the cultivation and manufacture of silk. What is a few thousand dollars paid out of the State Treasury, with a certainty that it will be returned with compound interest in a few years, compared to the payment annually of this enormous indirect tax—with a certain prospect that it must increase? Which is the better policy for us as a State, to continue to support the population of foreign countries by buying and consuming the product of their labor, or, by the increase of our own industries, to induce them to migrate here and thus add to our population and wealth? Thousands of skilled laborers in the different branches of the silk business in the old world are now laying their plans to come to California, having learned through their friends here that this was a good country for their business, and that silk culture and manufacturing were already commenced here. Your memorialist has already received applications for employment from some sixty to one hundred of such who have already arrived on this account.

Frederick the Great, King of Prussia, in the year seventeen hundred and sixty-three, ordered the planting of mulberry trees in his kingdom and himself had erected a factory in the city of Potsdam for the purpose of manufacturing silk, which is still in operation at the present time and affords employment for about eight hundred people, and since the time of the erection of this factory many factories have been erected in the Prussian Kingdom; and to take it at the least calculation, there is in this kingdom alone, over two hundred thousand people constantly employed in making silks.

Nicholas the First, Emperor of Russia, in the year eighteen hundred

and forty, imported operatives from France and Germany and started for them a silk factory in the city of St. Petersburg, which is in a flourishing condition at the present time and gives employment to at least two thousand persons. He also had another factory erected in Poland, and went so far as by proclamation to exempt all his subjects from military duty who were willing to learn the art of silk weaving. The history of France, Italy and England in regard to this enterprise has been already explained in my prospectus. And furthermore, I invite your attention to what the Eastern States have accomplished towards the encouragement of silk culture and manufacture.

I am informed on reliable information, that at the time of the "multi-caulis speculation," some States gave as much as six dollars per pound for sewing silk as a premium.

And now, in conclusion, I sincerely and earnestly pray that your honorable body will take this matter under advisement and place such a *premium on silk manufacturing* as to induce capital to come forward and assist in this valuable and most important enterprise.

All of which is most respectfully submitted,

JOSEPH NEUMANN.

Pioneer Silk Manufacturer of the Pacific Coast.

REPORT
OF THE
JOINT COMMITTEE
ON THE
STATE PRISON.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

To the Hon. the Assembly of California :

MR. SPEAKER : The undersigned Committees on State Prison beg leave to report that, in pursuance of the duty assigned them, they have visited the prison and made an examination of its condition.

In the pursuit of their investigations, several witnesses were sworn and examined, both at the prison and at San Francisco, and your committee submit the conclusions herein as founded upon the facts elicited by such examinations.

Your Committee had under investigation the various charges of speculation alleged by common rumor against the Warden and Commissary of the prison. They found no evidence to sustain such charges, and the facts show that whatever fault is to be found with the management at the prison is really with the system, and not with the officers. The buildings are not adapted to the classification, and at the same time the safe keeping of prisoners. The workshops are miserable structures, with no advantages for the economical employment of prison labor. There is not the necessary supply of water for manufacturing purposes and the proper cleansing of the cells and grounds of the prison. The prisoners are not properly fed. The diet should be more varied—the ration fixed and established by law. And the cooking department or kitchen should be under the direction of a free man, instead of a convict as at present.

Flogging should be abolished, and the discipline prescribed and made absolute by law. The tannery should be removed from its present location ; in the crowded state of the prison yard it amounts to a nuisance. Supplies for the prison should be purchased by contract, open to all bidders by advertisement. There should be a resident Chaplain at the prison.

Upon the question of the erection of a branch prison, your Committee express the opinion that the State must of necessity, within a few years, prepare for the erection of such a building, and it is important when projected that the serious mistakes made in the building of the present prison buildings should be avoided. The two brick buildings erected during the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, to meet the urgent necessity of increased cell room, are but poorly adapted to the safe keeping of prisoners. The testimony of

officers of the prison is unanimous to the effect that these buildings are constructed of such materials as to afford no security for confining the large number of hardened criminals under their charge, necessitating the confining of this class entirely in the old building or stone prison. This building contains forty-eight cells and seven large rooms, and in these apartments are confined three hundred and eighty-four of the whole number of prisoners. The seven rooms mentioned each contain thirty or forty prisoners, while the two brick prisons, containing three hundred and ninety-six cells, are used for the confinement of but two hundred and eighty-eight, a large proportion of whom are Chinese, who seldom attempt escapes.

Thus it will be seen that the unfitness of the new brick buildings for the uses for which they were designed renders the crowding of the worst class of convicts into the secure cells and rooms of the old building and prevents that classification and separation of prisoners so desirable in carrying out reformatory measures. Your Committee have had propositions submitted for their consideration with reference to the establishment of a branch prison at the granite quarries owned by the Natoma Land Company.

The owners propose to cede to the State a site for a prison, with inexhaustible quarries and sufficient land for cultivation, in consideration of the sum of fifteen thousand dollars, to be paid for in convict labor. This location we regard as a desirable one for this purpose, being connected by the company's road with the Sacramento Valley Railroad. The supply of water is abundant for the most extensive manufacturing purposes, and the labor of the prisoners in working the quarries, it is claimed, would always yield a profitable return to the State. It is a question whether the diversion of one hundred convicts would not at the same time relieve the old prison, and such labor be profitably employed in laying the foundation for a new and permanent one. The last report of the Board of Prison Directors shows that on the first day of November, eighteen hundred and sixty-seven, there were fifty-one prisoners under sentence for one year, and one hundred for two years. Two hundred and twenty-one were twenty-five years old or less; sixty-six had not reached the age of twenty, and one was but sixteen years old. Five hundred and sixty-four were serving out their first term, many of them for their first offence against the law. When we consider the fact that in the same institution there are many who have grown old and are hardened in crime, some of them serving out their fourth or fifth terms, some means of separating these classes becomes a matter of serious importance. We call attention to the recommendations of Governor Low, in his last Biennial Message, upon this subject. The workshops are in a dilapidated condition. Originally badly designed and poorly built, they are totally unsuited to the profitable employment of prison labor. The evidence of the contractors and the officers of the prison is to the effect that the erection of new shops would largely increase the value of the privileges. The principal contractors testify that with convenient shops and store rooms, they would employ one-third more labor at an advanced rate of wages. In other words, give the contractors sufficient room, so arranged that they can supervise and control the force employed by them, and they will employ from one-third to one-half more labor, at fifty cents per day instead of thirty.

The increase of prisoners and constant enlargement of manufacturing pursuits within the prison necessitates the erection of new buildings adapted for the purpose. In this connection, your Committee remark

that there is a great necessity for an increased supply of water for the proper cleansing of the cells and grounds of the prison, as well as for manufacturing purposes. Measures should be taken, in connection with the erection of new workshops, to procure an additional supply of water for all purposes in connection with the prison. To accomplish this, your Committee recommend the levy of a tax of five per cent. on each one hundred dollars of taxable property in the State to create a fund for the erection of new workshops and the obtaining of a sufficient supply of water.

The prisoners are not properly fed. In making this statement your Committee intend no reflection upon the officers in charge. No fault is found with the quantity of food; and it is admitted by all witnesses examined that, with the facilities at their command, the management has been admirable. In the erection of new workshops, the basement, as in the present building, would be appropriated for a kitchen; and this should be designed and arranged to provide for the proper cooking of the food. At present, everything is boiled; and it is in evidence before us that the prisoner in charge of the kitchen has been in the habit of skimming the fat from the boiled meat and afterward selling the same to such prisoners as were able to purchase from him.

One of the prominent evils of the present management your Committee believe to be the system of traffic in operation at the prison. Prisoners are engaged in selling to their fellow-convicts such articles as are in demand, the business being done under the superintendence of one of the officers, through whom the supplies are chiefly purchased. This gives ample opportunity for those who have gained considerable skill as mechanics to supply themselves with all needed comforts independently of the prison fare. And as the skill mentioned is generally possessed by old and habitual offenders, a discrimination is established in favor of those least entitled to the same, and against the most deserving.

One convict, having charge of a portion of the prison stores, is allowed to trade in the same kind of articles as those intrusted to him.

Another evil, directly connected with the last-mentioned, is the permitting the convicts to cook for themselves.

This promiscuous cooking in the shops and in the yard, and promiscuous mingling of prisoners, is, in the opinion of your committee, entirely wrong. The cooking and ration, as heretofore recommended, should be fixed by law, and, if necessary, additional guards should be employed in the yard to prevent the assembling of, and free intercourse between, convicts.

Many of the positions about the prison, involving some degree of trust and responsibility, are filled by convicts. This, under present circumstances, seems to be necessary for the safety of the prison, but the state of things requiring it should be remedied as soon as possible.

Your Committee submit, that in the short time allotted to them, a satisfactory report of the complicated financial accounts of the institution is simply impossible. In the performance of this duty, a committee should have full power and ample time to make a minute and unlimited investigation. This duty might be effectually performed by the committee hereinafter recommended to be appointed by the Governor.

Your Committee recommend that the ration should be fixed and established by law, and the kitchen placed under the direction of a free man.

Your Committee find, in their investigations, that gambling is practiced by the prisoners to a considerable extent. This evil originates, we

believe, in the custom of permitting the prisoners, without restraint, the earnings received from contractors for overwork. Some idea of the magnitude of this evil may be gathered from the statement of one of the contractors examined, who testified that he had paid forty-five hundred dollars for overwork and in weekly stipends to the men employed by him in one year.

Your Committee believe that a regulation should be adopted requiring the greater amount of each convict's earnings for such overwork to be deposited with the Warden, and reserved for his discharge, allowing a small portion to be used for any proper purpose. The enforcement of such a regulation would effectually break up the gambling evil, and would be of great benefit to discharged prisoners.

In the matter of prison discipline, your Committee examined several witnesses—among others, the Visiting Physician. The testimony shows that the system of flogging is practiced as a mode of punishment. And although the testimony of the Physician, and all the officers of the prison examined, was unanimous in sustaining the necessity of this mode of punishment, with the present facilities for confining and guarding the prisoners—and the Physician also testifies that no case of severe flogging has come to his knowledge for several years—yet your Committee regard it as the relic of a barbarous age, and a practice that should be abolished and some mode adopted more in accordance with the usages of modern discipline, that the prison may be, as it should be in some measure, a reformatory institution.

Your Committee recommend the appointment of a Chaplain, believing, if the proper person be appointed, such an officer would be of great benefit in carrying out such reformatory measures as may be attempted.

They also recommend an appropriation of five hundred dollars (\$500) for the increase of the Prison Library, said amount to be expended in the purchase of suitable books by the Chaplain of the prison, under the supervision of the Directors. The library at present consists of a small collection of books, valued in the inventory of prison property at one hundred and eighty dollars (\$180).

The present commutation law has worked so well as a means of discipline that we recommend an extension of its provisions so as to allow to a convict, for constant good behavior, an increase of commutation in accordance with the length of his sentence. The law has been fairly tried in other States, and has, we believe, received universal commendation.

Your Committee have had their attention called to a matter that has been presented in the last Biennial Message of the Governor and in the report of the Board of Prison Directors. There are many men confined at the prison who have been sentenced for longer terms than the crime committed would seem to warrant. The disparity in sentences for the same crime by different Courts is an evil for which there seems no remedy. Many of these cases deserve investigation. It is conceded that the Executive has not time, in the multiplicity of his official duties, to make this investigation.

In connection with this subject, your Committee beg leave to submit that if the many reforms in prison matters deemed necessary and recommended by them in their report should receive the sanction of the Assembly, the Governor should be authorized to appoint a commission, with authority to make this investigation and sort out from the seven hundred prisoners all whose crimes have been adequately punished, or whose faithful labor and uniform good conduct give assurance of the sin-

cerity of repentence. The recommendation of said commission to the Executive would be his warrant upon which to grant pardons.

This commission should also be authorized to visit any jail, prison or other house of detention in the State to collect information upon which to base a prison system, and submit the same to the next Legislature, with such suggestions and recommendations as may be necessary for the correction of the evils complained of. To this commission might also be intrusted the designing and superintendence of the erection of the new buildings for workshops.

Your Committee examined the armory and found some twenty of the yagers in bad condition. They should be disposed of at once and Henry's rifles substituted.

The net indebtedness of the prison, December thirty-first, eighteen hundred and sixty-seven, was thirty-four thousand one hundred and eighty-four dollars and ninety-five cents. The deficiency for the six months ending July first, eighteen hundred and sixty-eight, will amount to about forty thousand dollars. And your Committee recommend an appropriation of seventy-four thousand one hundred and eighty-four dollars and ninety-five cents to pay such indebtedness and meet the deficiency.

The Board of State Prison Directors estimate the appropriation necessary for the two years ending July first, eighteen hundred and seventy, at one hundred and fifty thousand dollars; and as there is no good reason to anticipate a decrease in the number of prisoners for that period, that amount will probably be required.

J. C. CRIGLER,
Chairman of Assembly Committee;

J. J. GREEN,
Chairman of Senate Committee.

Sacramento City, February 14th, 1868.

P E T I T I O N

OF THE

OFFICERS AND TRUSTEES

OF THE

CALIFORNIA PRISON COMMISSION.

D. W. GELWICKS.....STATE PRINTER.

P E T I T I O N .

To the Honorable Senate and Assembly of the State of California :

The undersigned, officers and Trustees of the California Prison Commission, would respectfully represent :

The Association named has been in existence for a little more than two years, having for its object, according to Article second of the Constitution, "The amelioration of the condition of prisoners, whether detained for trial or as witnesses. or finally convicted; the improvement of prisons and prison discipline; the government of prisons, whether for cities, or counties or the State; the aid and encouragement of discharged prisoners, whenever such aid and encouragement seems hopeful and wise." Our aims are identical with the general interests of the State. We seek to meet the discharged prisoner at the threshold of his prison house, just as he is entering the world again to begin life over, and by words of kindness and of counsel, and the use of such other means as lie at our command, endeavor to guide the current of that life into the channels of respectability and happiness. We strive to induce and to help him to become a useful citizen, instead of a public burden and expense. The result of our labors for two years in this direction is such as to give us abundant encouragement to persevere in our efforts. Our last annual report, a copy of which was placed in the hands of each member of your joint body, we think, gives ample evidence of this.

Our Association is also a bureau for the collection of information on prison matters in general. We are in correspondence with Associations of the same character with our own in the East, and with persons who make the subject of penology a special study. From these we receive whatever books or reports that are written upon the subject; and by observation concerning our own prison system, as shown in the different penal institutions of the State, we design to obtain, and from time to time to present, such facts and suggestions as will aid in the formation of correct ideas with regard to it. We propose, if authorized by the Legislature so to do, and if the means to defray the expense can be obtained, to make a thorough examination of our prison system by personal visitation and inspection of the jails and prisons of the State, and to make a full report of the result to the Legislature at its next session. But we can do nothing without money, and a sufficiency of this we find it difficult to procure. It has been only by the practice of the most

rigid economy that we have been able to maintain our organization and work till the present time, and now we find ourselves in debt to the amount of a thousand dollars, with the indebtedness constantly increasing. As the money which we expend is really for the benefit, financially as well as morally, of the entire State, we are constrained to ask you to aid us by an appropriation from the public treasury. The amount which we ask of you at this time is five thousand dollars, which, in consideration of the importance of our work and the urgency of the case, we cannot think you will refuse, and for which if received we shall feel truly and profoundly grateful.

Respectfully,

ALPHEUS BULL,
Vice President.

JAS. WOODWORTH,
Secretary.

NATHANIEL GRAY,
W. T. ANDREWS,
M. J. O'CONNOR,
ROBT. B. SWAIN,
GEO. W. DAM,
THOS. H. CAMPBELL,
JAMES LINFORTH,
L. B. BENCHLEY,
ANNIS MERRILL,
D. N. HAWLEY,
WILLIAM ALVORD,

San Francisco, February 18th, 1868.

R E P O R T

OF THE

BOARD OF DIRECTORS AND PHYSICIANS

OF THE

ALAMEDA PARK ASYLUM,

TO THE LEGISLATURE.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

To the Honorable Senate and Assembly of the State of California :

GENTLEMEN :—Permit us herewith to submit to your honorable body a report of the Alameda Park Asylum.

We consider this course the more proper in the absence of such laws as exist in other States regulating the establishment and management of such institutions, and because we believe that, as the representatives of the people, you are interested in the success of all benevolent and humane enterprises, the management of which should always be subject to your inspection.

The establishment of the Alameda Park Asylum was suggested a year since by the overcrowded condition of the State Insane Asylum, and the apparent urgent necessity for private accommodations for other than indigent insane.

With this view, the spacious buildings just completed for the Alameda Park Hotel, in Alameda, were purchased, and altered to adapt them to the care of this class of invalids. Twelve acres of land, well shaded by oaks and shrubbery, and surrounding the buildings, are inclosed by a substantial fourteen foot fence. The climatic, picturesque, and sanitary advantages of the location are unequalled, while its accessibility from San Francisco gives it all of the advantages of that metropolis, without its cold winds and fogs.

No patient is admitted into this Asylum without a certificate signed by two regular physicians (unconnected with the institution,) to the effect that they have examined him, and find his mental condition such as requires treatment in an insane asylum.

The accompanying interesting report of the physicians of the Alameda Park Asylum, shows that already, within the first few months of its existence, it has become self-supporting. Its tabular statement of results of treatment, etc., will (proportionately) compare favorably with those of older similar institutions elsewhere. Additional buildings, extending greatly its capacity for the reception of patients, are now in process of erection.

A law authorizing confinement for the cure of chronic inebriety (such as exists in New York,) is also much required here. Many such cases, could personal liberty be controlled for three months, might be saved.

In behalf of the Alameda Park Asylum, cordially extending to any committee of your honorable body charged with this subject an invitation to visit and examine that institution, we have the honor to remain,

Very respectfully, yours,

JOS. W. WINANS,
ROBT. B. SWAIN,
J. W. STOW,
J. A. DONOHUE,

Board of Visitors of Alameda Park Asylum.

REPORT OF PHYSICIANS.

ALAMEDA, January 1st, 1868.

To the Board of Visitors of the Alameda Park Asylum :

GENTLEMEN :—The first annual report of this Asylum, being for the ten months during which the institution has been in existence, is herewith respectfully submitted :

A.—Admissions.

Males	22
Females.....	18
Total.....	40
<i>Discharges.</i>	
Cured	17
Improved	8
Not improved.....	3
Dead	3
Remaining in Asylum	9

Of these, all but two are convalescent, and will shortly be discharged cured. These two will probably never recover.

B.—Supposed causes of insanity.

Hereditary taint.....	2
Business perplexities.....	4
Lactation.....	4
Domestic affliction.....	4
Old age.....	2
Vicious habits.....	6
Panama fever.....	2
Intemperance.....	3
Sunstroke	2
Uterine irritation.....	4
Overwork	1
Injury of head.....	2
Softening of brain.....	1
Unknown	3
Total.....	40

C.—*Causes of death.*

Exhaustion.....	1
Paralysis	1
Diarrhœa.....	1

D.—*Civil status of patients*

Married	17
Single.....	23

E.—*Ages of patients upon admission.*

Between 15 and 20 years.....	3
Between 20 and 25 years	5
Between 25 and 30 years..	3
Between 30 and 35 years	10
Between 35 and 40 years	9
Between 40 and 45 years	3
Between 45 and 50 years.....	2
Between 50 and 55 years	3
Between 55 and 60 years	2

The institution has been entirely free from epidemic or contagious diseases, and its highly salubrious climate and favorable soil furnish excellent reason for anticipating that such, or in fact any diseases except those incident to mental alienation, will not seriously affect its inmates.

The cause of death from exhaustion was the result of voluntary starvation, and occurred after the patient had been kept alive for six weeks by nourishment administered through the stomach pump. There was nothing peculiar about the two other cases of death.

It is very commonly a difficult matter to ascertain with any satisfactory degree of accuracy the true cause of insanity; often two or more causes unite to this end. The predisposition, either hereditary or the result of bodily disease, or of ill-controlled passions and desires, or other depressing emotions, may be so strong that a comparatively slight exciting cause will produce an outburst of the disease, and the cause be undiscoverable; or false delicacy in relatives and friends may and often does lead them to conceal from the physician facts in the history of the patient, the knowledge of which not only would elucidate the cause of the attack but would materially assist in the institution of the curative treatment. Hence, frequently the necessity of tabulating some of our cases under the heading, "Causes unknown."

It is a common belief that in proportion to the number of the population of the Pacific coast the percentage of insanity is larger than in other portions of the United States. The unsettled habits and uncertain pursuits, and the undoubted prevalence of intemperate modes of life of a very large class of our citizens, would *a priori* lead to this conclu-

sion; but the statistics thus far collected do not lend countenance to it. Poverty, with attendant crime and immorality, which is one of the leading predisposing causes of mental as well as physical degeneration and perversion, is almost unknown here, except in a few commercial centres, and in these insanity is as common as in other great cities. But taking the Pacific States and Territories at large, there is reason to believe that the disease is less rife than in many older settled communities.

It is desirable to call attention to the admirable adaptation of Alameda to the purposes of an insane asylum. Its fine climate—mild in winter, cool in summer, yet almost entirely free from summer fogs and high winds; its fertile soil, thick foliage, and the beautiful scenery of its background, formed by an amphitheatre of rolling and towering hills—all these blend to help the cure of a diseased and perverted mind, and allow of the perfect use of those other sanative means that the modern treatment of mental alienation has shown to be so successful. Light manual occupation, pure air, fine scenery, pleasant drives and walks, and such cheerful amusements as are furnished by billiards, bowling, easy gymnastics, social pleasures, and, above all, unwearied kind treatment, these do more than medicines can to restore the mind to a healthy equilibrium. It is the aim of this institution to furnish all of these, and we take pride in claiming that we have not failed to accomplish our aim. The situation of the Asylum, close to the bay, and the arrangement of the buildings, enable patients also to enjoy salt, fresh, and vapor baths, of different kinds; these have also proved very efficient in treatment. The proximity of San Francisco and the frequency and ease of intercommunication brings the Asylum within the easiest reach of the whole State of California and of the entire coast, and give unequalled facilities for the purchase of the best supplies for the storeroom and table. Each patient has his or her own private apartment, great care being exercised to prevent the contact of patients who might injuriously affect each other, and each individual receives the special course of treatment which the symptoms of his or her particular case indicate to the observation of the Resident Physician, and which is a simple impossibility in large public asylums, as usually constituted, where a routine treatment is unavoidable.

Statistics furnished by a number of the leading asylums of this country show the percentage of cures of insane persons treated to vary from thirty-seven per cent. to fifty-two per cent. This institution has been in operation too short a time to furnish definite statistics yet, but adding to the cases already discharged cured, those so far advanced in convalescence that their cure is assured within a month at the furthest, we feel justified in claiming sixty per cent. as the proportion of cures—a very favorable result. The percentage of deaths is small, being seven and one half per cent. of those treated, whereas in public asylums about ten per cent. is a usual proportion. The case of death from paralysis, however, should not be included in the calculation, as in this instance the mind was unaffected. Leaving out this case, we would have only five per cent. of deaths.

When the buildings of the Asylum, formerly erected for a hotel, were first occupied for their present use, it was, of course, found necessary to make very extensive alterations, and before these could be completed it became apparent that a large increase in the size of the buildings could not be too soon effected in order to accommodate the certain prospective influx of patients. A high fence has been built, at a cost of fifteen hundred dollars, inclosing the Asylum grounds. This sufficiently answers its

purpose, but to complete it according to the original plan, a further outlay of about the same amount will be necessary, making a total of three thousand dollars. The original cost of the ground and buildings was sixteen thousand dollars. There have been already expended in improvements about seven thousand dollars, and the cost of altering and enlarging now going on is estimated at some eight thousand dollars additional, making a total of thirty-one thousand dollars. The institution will then accommodate seventy patients, with the necessary dining, sitting, and reading rooms, baths, water-closets, etc., etc., and will be so arranged that a comparatively small further outlay will enable it to accommodate additional patients up to the number of one hundred, or even one hundred and fifty. With this large number, however, it will be advisable to seek more ample grounds than can be obtained in this immediate locality, and inquiries are now being made having this end in view.

There exists in the mind of a portion of the public a prejudice against private asylums, because these are not held open to public inspection, and it is right and proper that they should not be, as the class of patients treated in them is mainly composed of those who instinctively seek privacy in their affliction; but the relatives of inmates are freely admitted at all times. The writers of sensational novels, however, have, to a certain extent, influenced the public mind by seizing the opportunity thus given, and have painted in the highest style of their art, the interiors of these institutions as being legalized hiding places of great crimes against society, where avarice is apt to be master and unscrupulous cruelty the servant. Unfortunately, some cases have occurred where these truly beneficent institutions have thus been prostituted for base ends; and such cases have lent a coloring of truth to a wholesale slander—and we all know

“ That a lie which is half a truth is ever the blackest of lies,
That a lie which is all a lie may be met and fought with outright,
But a lie which is half a truth is a harder matter to fight.”

Under the enlightened legal enactments of recent years in all the older nations and States, such crimes have now become obsolete, or at any rate extremely difficult of commission; but the laws of California are entirely deficient in reference to private asylums, and it is to be hoped that this omission may be supplied by her present Legislature. In the Alameda Park Asylum two precautions have been taken against any misapprehension on the part of the public, or ill consequence of legal deficiencies: First, in placing the reputation of the institution under the ægis of a Board of Visitors extensively known and of the highest standing, and to each and all of whom it should be open for inspection at any and all times; and second, in receiving patients only upon a certificate of insanity requiring treatment in an asylum, signed by two educated practising physicians. These precautions would seem to be sufficient in our case, but it is to be hoped that a general State law may be passed governing admissions into all asylums, public and private also.

In conclusion, gentlemen, it remains for us to add the expression of our grateful thanks for your past countenance and support, and to utter the desire that your vigilance may continue to assist us within, as well as uphold us abroad.

EUSTACE TRENOR, M. D.,
Resident Physician.
J. C. TUCKER, M. D.,
Visiting Physician.

COMMUNICATION

RELATING TO THE

INSTITUTION FOR THE DEAF AND DUMB
AND THE BLIND.

FROM W. WILKINSON.

D. W. GELWICKS.....STATE PRINTER.

INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

MEMORANDA, BY W. WILKINSON;

The new buildings of the State Institution for the Deaf, Dumb and the Blind, now erecting under authority of an Act passed by the Legislature and approved March thirty-first, eighteen hundred and sixty-six, are located about four miles north of Oakland, immediately adjoining the site which has been donated to the State by the College of California for the purposes of an Agricultural College. The grounds comprise one hundred and thirty acres, of which fifty acres are susceptible of the highest cultivation—the remainder being hill land, suitable for grazing purposes. It is safe to say that for beauty of outlook and surroundings, fertility of soil, facility of water supply and general adaptability to the uses of such an institution, the site has no superior in California. The buildings are at an elevation of three hundred feet above the waters of the bay, and command a view of almost the entire City and Bay of San Francisco, the Golden Gate, and on a clear day the Farallon Islands can be seen. The material used throughout in the construction of the walls is a hard blue sandstone, of excellent quality, obtained from a quarry about a mile distant. The exterior walls are random coursed, with hammer-dressed door and window jambs, and the work is done, so far, in the most substantial manner. The second floor joists are laid, and the roofs of the class rooms are already completed.

The plan, drawn by Messrs. Wright & Sanders, of San Francisco, under whose constant supervision the work is conducted, secures admirably what was required of the architects, viz: the combination under one management of two institutions which have no natural connection, thereby effecting a material saving to the State in the matter of service and supplies.

The expenses incurred and the contracts entered into by the Board of Commissioners are as follows:

Expenditures.	Amount.
Paid for Notary fees, advertising and printing.....	\$288 50
For land, perfecting title, services of surveyor and attorney.....	13,309 80
Iron pipe and opening quarry.....	823 00
Architects' services, premiums and supervision.....	4,400 00
Office rent and stationery, seventeen and a half months....	285 00
Travelling expenses of Commissioners, seventeen and a half months.....	465 00
Contract with J. S. Emory for grading, excavating and mason work.....	60,000 00
Contract with John J. McCready for carpentering, plastering, painting and glazing, iron work, tinsmithing, gas fitting and plumbing	53,000 00
Total.....	\$132,571 30
In addition to the foregoing, there will be required for lavatories and bathrooms, heating apparatus, gas and water works, the sum of.....	17,428 70
Making a total of.....	\$150,000 00

The receipts of the Board have been and are expected to be as follows :

Receipts.	Amount.
By appropriation of last Legislature.....	50,000 00
Sale of old buildings, about.....	35,000 00
Appropriation of present Legislature.....	65,000 00
Total.....	\$150,000 00

While the Commissioners have undoubtedly exceeded the letter of the law in their expenditures, it has only been after the maturest deliberation and with strictest regard to the interests and dignity of the State, and to the importance of the work which the Institution is designed to accomplish. They look with a feeling of pride at the beautiful and substantial edifice now erecting. They challenge criticism either of the general plan of the building or the economy of its construction, and are perfectly sure that on a presentation of the facts both Legislature and public will justify their action.

REPORT

OF THE

SPECIAL COMMITTEE OF THE ASSEMBLY

IN RELATION TO

SAN FRANCISCO TIDE LANDS.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

MR. SPEAKER: The Special Committee, to whom was referred Assembly Bill No. 129—An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California—respectfully report the same back with amendments thereto, and recommend the passage of the bill as amended.

In the progress of the examination of this question, your Committee find that there is quite a considerable tract of land of the character referred to in this bill within the limits of the City and County of San Francisco—that former legislative bodies of this State, within the past few years, have made large grants of the most valuable portions thereof to associations at a nominal price, by which the State has received but slight benefit, but little improvement comparative to the extent of the several grants having been made thereon. We find also a large tract of this character of lands claimed by virtue of warrants issued by the Surveyor-General of the State, the result of careless legislation upon this subject; but that the confirmation of title, of the title claimed, is held in abeyance. We find also that there are in a few instances equitable claims by virtue of occupancy and improvement which should receive the favorable consideration of the law-making power of the State and for whom the bill makes provision.

Your Committee found it necessary, for their own information upon the subject, and deemed it of great importance to the correct understanding of the matter by the members of this House, to procure maps representing the City and County of San Francisco with its water front, the tide and marsh lands, and delineating the legislative grants and the claims under land warrants; also a map of the bay, upon which the mud and sediment deposits are delineated with the soundings as taken in a late coast survey ordered by the Government of the United States. These three several maps we return to the Assembly with this report, and recommend that they be hung on rollers and suspended in the Assembly Chamber for the information of members in their deliberations upon the various bills proposing to legislate upon this subject.

The bill now before us, introduced by Mr. Farish, is the only one that we can consider; but in arriving at a conclusion upon its merits, we have necessarily had to inquire into and judge upon the whole subject, and it is the conclusion of the undersigned of said Committee that the

features of this bill are eminently just; that it proposes, to the greatest extent that is possible, by sales in small tracts, to protect the interest of the State at large and render contribution from that source to the General Fund of the State. The proposition to erect a new Commission, though creating more offices, it is believed, would be more advantageous to the State than would result from devolving large accumulative trusts upon a few officers.

The undersigned, of your Committee, are fully impressed with the belief that some disposition should be speedily made of the State's interest in the lands referred to in this bill, that they may be improved and made a productive, tax-paying estate, from which the State would derive large acquisitions to her revenue.

The further consideration, that the wants of the great commercial interests of the City of San Francisco are now demanding that opportunity should be presented in this direction for expansion would urge action for the disposition of these lands at an early day.

We deem the project of sale and the disposition of the product thereof, as provided in Assembly Bill No. 129, the most feasible and equitable of any that has so far been brought to the consideration of the Assembly, and therefore indorse our recommendation thereof.

Your Committee, in prosecuting their inquiries as to the rights of the State, addressed a note of inquiry to the Honorable Jo Hamilton, and also Creed Haymond, Esq., asking opinions upon questions therein stated. Their answers to the Committee are herewith transmitted, and considered by the Committee as presenting the questions in a favorable light.

The testimony of skillful engineers would suggest extending the sales to the depth of twenty-four feet, and we recommend an amendment accordingly.

E. STEELE (Chairman),
R. P. MACE,
T. S. BEVER,
T. E. FARISH.

—
ATTORNEY-GENERAL'S OFFICE, }
January 23d, 1868. }

Hon. Messrs. STEELE, FARISH AND MACE,
Committee of the Assembly of California :

GENTLEMEN : I have been so much engaged with pressing official business, which could not be delayed, since the receipt of your esteemed favor of the twentieth instant, that I have had but little time to devote to the important questions about which you desire an opinion. I shall, in this communication, content myself with the answer to the inquiries you propose, and citing the Committee to the authorities bearing upon the same, in which authorities you will find more fully discussed the reasons for the opinions given :

First—The title to the tide lands within the limits of the City of San Francisco, and bordering upon the Bay of San Francisco, is vested in the State of California. Whether this title to tide lands within a State vested in the State or in the Government of the United States, was at

one time a question of dispute. But I believe that the decisions of the Courts have been uniform upon this subject, since the decision by the Supreme Court of the United States in the case of Pollard's Lessee vs. Hagan et al. (3 Howard's U. S. Reports, pages 212 to 235).

That decision was rendered in eighteen hundred and forty-five, and has ever since that time been referred to as a binding decision upon the points involved.

They then decided that this character of lands (tide lands) without the State belonged to the State by virtue of her sovereignty. Other decisions before that time I might refer to, but deem it not necessary. The same doctrine has been repeatedly held since by our own and the other Courts. Our own Supreme Court has repeatedly held it in numerous suits between our own citizens and between the State and her citizens.

The reason of this title vesting in the State is two-fold. First, by reason of the sovereignty of the State; and secondly, by reason of the nature of the property and its relation toward the safety, preservation and welfare of the State. She and her citizens, for protection and by necessity, own them. While the General Government, as the arbiter of commerce and navigation, controls the way through and over the navigable and tidal waters in a State, the State, no less sovereign in her capacity, owns the lands covered by the flow of the tide and the lands themselves under the navigable waters in the State. The title to the State being subject only to this disability, that she cannot use or enjoy her lands so owned to the obstruction, prejudice or destruction of commerce or navigation.

The Supreme Court of this State, as early as eighteen hundred and fifty-seven, in the case of Chapin vs. Bowner (page 294, 8 Cal.), say "that those lands passed to the State of California on her admission (into the Union) by virtue of her sovereignty."

In the case of People vs. Morrill (26 Cal., page 336), the distinction between the swamp and overflowed and tide lands proper is made and explained, and they again affirm that tide lands belong to the State by reason of its sovereignty, and include the shore of the sea and its bays and inlets, in the common law definition of the term "shore," and that there has been no provision made for the sale or disposition of the tide lands of the State. So, also, in People vs. Davidson (30 Cal., page 379); and in Dana vs. Jackson Street Wharf Company (31 Cal., p. 118). In Randall vs. Fay (32 Cal., page 354), they say that those lands which the State owns by virtue of her sovereignty are such as are covered and uncovered by the ebb and flow of the ordinary tides. I might cite you to many decisions of our own and other Courts, going to the same point, but do not think it necessary.

Second—As to your second interrogatory, as to the authority of the Legislature over these lands, I answer, having shown the title of the tide lands within the State to be in the State, the Legislature as such—as a Legislature—has only this authority. That body is the law-making power of the State. If the State owning the lands, as she does, desires to dispose of them, the Legislature, as the law-making power of the State, may devise and direct the manner of such disposal. Unless by proper means and manner, the State herself has no power to part with her property.

The Legislature may, if they see proper, provide the manner of disposition. For example, by Commissioners, directing and prescribing their powers, duties, etc. And the State may, through such properly ap-

pointed agents, preserving the mode laid down by her law-makers, vest the title of the State in others through the action of the Commissioners. The State, in making this disposition of those lands, passes the title with the same disability which obtains with the State. Her purchaser can acquire from the State no such title as will enable the owner or holder of them to use them to the detriment, destruction or prejudice of commerce or navigation. For such uses the public have an easement, and the Government retains and has the authority to enforce the right.

Third—As to the third inquiry in your letter, as to the effect of section five of the bill now under consideration before you, as to the amount or quantity one person may acquire under the equitable possession therein provided.

You do not furnish me with a copy of your bill, and I have only been able to read for a few moments the bill now before the Committee. Repeated decisions of the Courts upon the character and extent of the title or rights growing out of possession, and as to what constitutes possession, which possession really is, at best, a conclusion of law, would lead to an unnecessary and unnecessarily lengthy discussion upon this head.

As I understand the terms of your bill, such equitable rights, if they be even equitable rights, the title not being in or possible to be or even vest in the possessor as against the State, simply from the fact of his possession, would extend, at best, only to the actual possession, the actual inclosure or control which the person claiming such possession could prove, and it could not and ought not, I think, to extend to constructive possession, or such a possession as might be asserted over a larger tract, only a small portion of which was actually subjected to use and possession, while claiming to the extent of a larger exterior boundary.

I am, gentlemen, very respectfully, your obedient servant,

JO. HAMILTON,

Attorney-General.

Hon. E. STEELE, Chairman of the Select Committee to whom was referred Assembly Bill No. 129:

SIR: On the twenty-first I had the honor to receive from your Committee a note requesting my opinion in writing on the following questions:

Is the State of California the owner of the shores and soils under the navigable waters within her limits?

If so, by what tenure does she hold, and has she the right of alienation?

Who would acquire rights, and what the extent thereof, under the proviso contained in section five of the bill known as the Farish Tide Land Bill?

In reply, permit me to say that the questions presented are all free from serious difficulty, having long since been in effect well settled by indisputable authority.

It has ever been the policy of the common law to assign to all things capable of occupancy and susceptible of ownership a legal and certain proprietor. In accordance with that policy, it makes those things which from their nature could not be exclusively enjoyed the property of the sovereign. It gave to the King of England sovereign dominion of the sea adjoining the coasts, and over the arms of the sea and navigable waters; and also vested in him the right of property in the soil thereof. The territory discovered, acquired and possessed by the early English emigrants to America, though properly no part of the realm of England, was yet a part of its royalty or of the dominion belonging to it. They took possession of the country in the name of the King, and acknowledged and adopted the common law of England in so far as it was applicable to their situation, by reason of which the right of property in all the tide and navigable waters included by such territory existed in the Crown to the same extent as in the tide and navigable waters of the realm. But as the King, by virtue of his prerogative, was authorized to create *political power* in this as in all countries newly discovered and possessed by his subjects, the Colonies on receiving the royal charter were invested with political character by which they succeeded to the territorial interest which had previously belonged, as *jura regalia*, to the sovereign power of the parent country. These charters were in the nature of grants, and were conferred by the King on the idea that he was proprietor. But as they respectively created Governments, they were not construed as his other grants were, that is, excluding arms of the sea, etc., but as including them.

Thus the Governments of the several Colonies were invested with sovereign authority over the property in question. "When the Revolution took place, the people of each State became themselves sovereign" (Martin vs. Waddell, 16 Peters, 410), and in that capacity held the absolute right to all their navigable waters and the soils under them.

In Pollard's Lessee vs. Hagan (3d Howard, 230), the Supreme Court of the United States expressly held "that the shores of the navigable waters and the soils under them were not granted by the Constitution to the United States, but belonged to the States by virtue of their sovereignty;" for, as the Court say, "to give to the United States the right to transfer to a citizen the title to such property would be placing in their hands a weapon which might be wielded to the injury of State sovereignty;" thus definitely settling the question of title, so far as the original States were concerned, leaving open the question as to whether the same principles apply to States admitted into the Union since its formation, and the further question as to the effect of the reservations contained in the Acts for their admission.

In the Act of September ninth, eighteen hundred and fifty, admitting the State of California, it was made an express condition of such admission, that the State should never interfere "with the primary disposal of the public lands within its limits and should pass no law and do no act whereby the title of the United States to and the right to dispose of the same should be impaired or questioned, * * * * and that all the navigable waters within said State should be common highways and forever free," etc.

It cannot be disputed that prior to the admission of the State of California the United States was the owner of all the lands within the limits of the non State, and had full power and dominion over the shores and soils under the navigable waters as well as of other public lands, and at first sight it would seem that by virtue of such ownership and conditions

contained in the Act of admission, she would, after the admission of California, still retain the title to the same. But such is not the case, for by the same Act it was stipulated that the State of California was admitted into the Union "on an equal footing with the original States, in all respects whatever." She was to take her place in the sisterhood of States endowed with every attribute of sovereignty, save those which had been expressly delegated to the Federal Government by the original States—her people, with the consent of the Federal Government, had created within the territorial limits of the Union a State capable of holding all public lands of every description within her limits and *eo instanti* she would have become such owner had it not been for the conditions contained in the Act of admission.

The conditions in that Act relating to the public lands in effect amount to a cession of those lands by the State of California to the United States. The United States, therefore, hold those lands by force of the Act of cession, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by the compact with the State for that purpose, for no such power can, under the Constitution, be exercised by the United States within the limits of a State, and it was not the right of California alone to add to the political power of the Union; it follows, therefore, that the terms of the reservation must be construed as the same terms would be in a grant from the sovereign to subject, and the words "public lands" be held to apply only to those lands that lie above the ebb and flow of the tide and the shores of navigable waters, leaving the title to the tide lands, shores and soils under navigable waters in the State of California. (Pollard's Lessee vs. Hagan, 3d Howard, 212; Kennedy vs. Beebe, 13th Howard, 25; Howard vs. Ingersoll, 13th Howard, 381; Georgetown vs. Alexandria Canal Company, 12 Peters, 519; Martin vs. Waddel, 16 Peters, 367.)

The reservation in the Act of admission, by which the navigable waters of the State are made public highways, free and common to the use of all citizens, etc., invests the United States with no right of property, but only confers a right of conservation entirely distinct from the right of property in the soil—a right which permits and empowers the Federal Government to preserve the shores and navigable waters from impediments and nuisances, and protect the same against foreign enemies or individual usurpation. To illustrate—the State owns the shores and soils under the Bay of San Francisco, yet she could not lawfully do any act or so occupy the same as to obstruct commerce or interfere with the defense of the harbor. The State might, it is true, lawfully erect buildings on the shore or over the waters of the bay, or might extend the water front of San Francisco to any extent that would not interfere with the commerce or defence of the port; but if she erected any superstructures interfering with commerce or defence, such as the building of a wall across the entrance to the bay (were it possible), there would be no doubt of the power of the Federal Government to compel the removal of the same; and it may be safely said that this power of conservation is the only power the Federal Government can exercise, under the reservation, over the lands in question.

If the foregoing views are correct, it follows that the State of California is the owner of the shores and soils under the navigable waters within her limits; that she holds the same by virtue of her State sovereignty, with full power to alienate them, subject only to the right of conservation resting in the General Government.

This leaves for consideration your third question.

The provision of section five of the Farish Tide Land Bill is as follows:

"Section 5. After the Commissioners shall have complied with the provisions of section four of this Act, they shall proceed to sell at public auction, in the City of San Francisco, all the right, title and interest of the State of California in and to the property described in section four. Such sales shall be by lots or blocks (as decided by resolution of the Board), in accordance with their previous survey, as hereinafter provided by this Act; *provided*, that in all cases where parties may be in possession on the first day of January, eighteen hundred and sixty-eight, of any of the land, and have placed thereon improvements to the amount of five hundred dollars, they shall be deemed preferred purchasers, and the Commissioners shall, after sufficient sales have been made to fix its value, appraise the land without the improvements, and sell the same at such appraised value to the parties in possession; and *provided*, that not more than one block shall be sold at one time, either at auction or private sale."

The rights that would accrue to any one under the proviso in this section, in view of the situation of the land affected by the bill, are extremely limited. The law recognizes two kinds of possession of real property—the one constructive, the other actual; the former depending upon the title and the present right to the actual possession; the latter subsisting in the actual occupation or *possessio pedis*. (Cahoon vs. Marshall, 25 Cal., 200.) Now, as a person entering on the lands affected by this bill is a mere naked trespasser, he can have no right or title to the same, no right recognized in law or in equity; in fact, no claim entitled to any consideration save at the hands of the legislative power, which claim rests in the fact that it has been the traditional policy of both State and Federal Governments to allow actual occupants of public lands the first right to purchase the same; a policy which has been so long sanctioned by usage that our citizens almost regard it as a right; a policy working no hardships to any one, but tending to the early settlement of the public lands, thereby promoting the public weal; a policy which should not be departed from at this late day, save for good and substantial reasons—considerations that were undoubtedly controlling ones in the introduction of this proviso in the bill under consideration by your Committee. The parties now in possession of the lands affected by this bill being there without right at law or in equity, there can be no question of constructive possession. All the right that any one could acquire under the proviso in question would be by virtue of an actual possession. A person has actual possession of land only when he has absolutely reduced it to his control and dominion, and the extent of his possession is measured by the extent of such dominion and control. For instance, if he enters on the land in question and constructs a house, he is in possession, within the meaning of that word in section five, of only that part of the land on which the house stands; if he incloses any of the land by a substantial fence, his right is limited to the land inclosed; if he only drives a line of unconnected piles around a piece of land, he has no possession and acquires no rights whatever under section five.

In *Borel vs. Rollins* (30th Cal., 414), it was held that a party inclosing land by a brush fence did not acquire possession of it—that the inclosure,

to subject the land to the control and dominion of the party, must be a substantial one. In another case our Supreme Court have gone to this extent—that an inclosure made by setting posts in the ground and connecting them with rails at the top and bottom was not such an inclosure as would give the party constructing it possession of the land inclosed. A long line of decisions in this and other States run to the same end, but it is unnecessary to review them or pursue this subject further, for it is too plain for argument that a party can acquire no rights under the proviso in section five, unless he is in the actual occupancy of the land, and then only to the land so occupied.

In concluding your note you ask that I should carefully read the bill and express an opinion on its merits. I have examined it, and whilst I would not obtrude my opinion unasked, I still have no hesitation in placing myself on the record in favor of its passage.

If rumor is to be credited, these lands have been a fruitful source of corruption and have been made the foundation of gigantic lobby schemes—the State has been despoiled of her interest in valuable portions of them, and the time has arrived that an end should be put to schemes that grow out of their retention by the State. Whilst the Legislature has the power to give them away lot by lot to private parties, it has not the moral right to so dispose of them. Our State is burdened with a debt of five millions of dollars and the people are weighed down by taxation.

If these lands are sold under the provisions of the Farish bill, the State will receive into her Treasury more than a million of dollars. That sum applied to the redemption of State bonds will not only improve the credit of the State, but enable the Legislature to materially reduce taxation—a consummation most devoutly to be wished for.

Very respectfully,

CREED HAYMOND.

SACRAMENTO, January 25th, 1868.

MESSAGE OF THE GOVERNOR

IN RELATION TO

SENATE RESOLUTIONS

CONDEMNING

THE COURSE OF PRESIDENT JOHNSON.

DEPARTMENT OF THE INTERIOR

Geological Survey

WATER RESOURCES DIVISION

D. W. GELWICKS.....STATE PRINTER.

MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 4th, 1868. }

To the Senate of the State of California :

I have received the resolutions of your honorable body relative to the pending impeachment of the President, and which are as follows :

Resolved, by the Senate of the State of California, That Congress is the supreme political and law-making power of the United States of America, and that laws passed by such Congress are binding upon every officer and citizen thereof, from the highest to the lowest, until repealed or set aside by competent legal authority.

Resolved, That the course of the President of the United States, Andrew Johnson, in removing Edwin M. Stanton from the position of Secretary of War of the United States, and in appointing General Lorenzo Thomas to such position, is in direct and flagrant violation of the letter and spirit of the law of Congress then and now in force, known as the Tenure of Office Act.

Resolved, That we deem such removal and appointment as sufficient cause of impeachment of the President, such removal and appointment being declared by said Act to be a " high misdemeanor."

Resolved, That his Excellency the Governor be directed to send by telegraph a copy of the above resolutions to the Honorable Benjamin F. Wade, President of the Senate, and Honorable Schuyler Colfax, Speaker of the House of Representatives of the Congress of the United States.

The resolutions above recited embody two propositions from which I dissent, and I design to state briefly the reasons for such dissent and the reasons why I cannot consistently or properly comply with the desire of the Senate :

I assume that the last resolution was intended simply as a request, and not in any discourteous sense, and shall reply with entire respect for the opinions and feelings of those who advocated their adoption. It is to be regretted that any acerbity of feeling or harshness of language

should characterize political discussions. A moderate exercise of charity must convince men who differ upon political questions that the difference is one of opinion and judgment, which does not in any respect impugn the good faith or patriotism of either party.

It might be sufficient respectfully to decline acceding to the request for the transmission of these resolutions, but it is due to the Senate to state the reasons for such refusal.

The first resolution asserts that Congress is the "supreme political and law-making power of the United States, and that laws passed by such Congress are binding upon every officer and citizen thereof, from the highest to the lowest, until repealed or set aside by competent legal authority."

If by this it is intended that all laws of Congress are supreme and cannot be questioned by the Executive until repealed or adjudged void by the Supreme Court, whether those laws are in pursuance of the Constitution or in violation of it, then the resolution asserts a proposition not based upon sound reason, not warranted by the practice of the Government or by the letter or spirit of the Federal Constitution. That instrument declares that the Constitution of the United States and only those laws which are "passed in pursuance thereof" are the "supreme" law of the land. A single example will show the unsoundness of the principle stated in the resolution :

Suppose that Congress should enact a law abolishing the Executive Department and vesting executive authority in a Joint Committee of the Senate and House—would any one contend that the President would be bound by his oath of office to refrain from taking the proper steps to contest the validity of such an enactment, or that he would be bound to regard it as valid until repealed or set aside? His oath is to "protect, preserve and defend the Constitution," not the Acts of Congress, except so far as these are in pursuance of the organic law. This latter is supreme; and while it may be readily conceded that in laws of doubtful constitutionality, where no irreparable injury would result to the Government, the Executive might resolve the doubt in favor of the law, it is also undeniable that where the law is in flagrant violation of the Constitution, it is the imperative duty of the Executive, in accordance with his official oath, to regard the Constitution as supreme, and treat the enactment as a nullity.

That there are cases in which the President would be compelled to decide for himself, in reference to his own action, before any judicial decision could be had upon the constitutionality of an Act of Congress, is too plain for argument. The resolution seems to countenance the modern heresy, that the will of a temporary popular majority expressed through Congress is to be regarded as supreme, whether warranted by the Constitution or not; but we all know that unconstitutional laws are repeatedly disobeyed, by private citizens and public officers, in the assertion of rights claimed under the Constitution, and for the very purpose of bringing the validity of the enactment to the test of a judicial decision.

The resolution fails to discriminate between forcible resistance and peaceful or constitutional resistance for the purpose of bringing the validity of the law before a judicial tribunal for determination. In the identical case which has given rise to the present controversy, Congress enacts that the President shall not choose his own Cabinet advisers, but shall transact business and hold official intercourse with a Secretary of War who is personally offensive to him. In the view, doubtless, of the

President, this Act, if valid, places the Executive within the absolute control of the Legislature, in violation of the letter and spirit of the Constitution. If he is blindly to concede the right of Congress to do this, how or in what manner is the right ever to be determined or the validity of the law to be tested? If this resolution means anything, as applied to the case in hand, it means that the President is bound to abstain from taking any steps to bring the question to a judicial decision.

What is meant by "competent legal authority?" It is well known that a portion of Congress deny the right of the Judiciary to pass upon the reconstruction measures, because they are political acts, and all question of their validity is claimed to be outside the judicial province. It is contended that all this class of legislation is not subject to the interpretation of the Judiciary, but that Congress is the exclusive judge of its own powers. Precision of language upon propositions so fundamental is quite desirable. The resolution refrains from saying until "set aside by the Courts," possibly through an unwillingness to concede the jurisdiction of the Courts to pass upon this class of statutes, although Section Two of Article Three of the Constitution declares, in most comprehensive terms, that the "judicial power shall extend to all cases arising under this Constitution."

The tendency by Congress to absorb the powers of the Executive and Judiciary is too manifest to be denied. It is the great danger to which our institutions are exposed. If the Executive is bound blindly to concede the validity of every Act of Congress until a judicial decision to the contrary, the result would often be that no judicial decision would be had; especially would this be the case if Congress should succeed in stripping the Supreme Court of appellate jurisdiction over the validity of Congressional statutes. The Executive, then, instead of being a co-ordinate, independent branch of the Government, would be a mere instrument in the hands of Congress, and powerless to protect the Constitution from invasion and overthrow.

There are cases in which to wait for a judicial decision would be useless and sometimes fatal. In such cases the Executive should act upon his conviction of the invalidity of the law, so as to bring it without delay to a judicial test by some such method as was adopted in the case of Mr. Stanton.

If the law is unconstitutional, it is simply void, and in that event the action of the Senate in thrusting the Secretary of War into official intercourse with the President would be nugatory. It must be remembered that Congress is not above the Constitution, to which it owes its existence and in subordination to which it must exercise all its powers.

To say that a void law, which is in effect no law, is binding upon every one, from the highest to the lowest, is to assert the reverse of what all lawyers and laymen know to be true, to wit: that a void law binds no one and is an absolute nullity. This principle is self-evident. So much for the abstract proposition involved in the first resolution. Its fallacy might be illustrated by a variety of instances; but without enlarging upon it further, it is respectfully submitted that if those who favor the measures of Congress will exercise a candid judgment they must see that for Congress to be both legislator and judge would in effect destroy our present Constitution and give us in its place a system like that of France in revolutionary times, when the National Convention disposed, at its sovereign pleasure, of the lives, liberty and property of its citizens. History would be useless for instruction, if we, with such

an example before our eyes, should pursue the same road to anarchy and despotism.

The second and third resolutions declare in effect that the President, in removing Edwin M. Stanton, acted in violation of the "Tenure of Office" Act, and should therefore be impeached and removed from office.

With the merits or demerits of the President as a man we have nothing to do beyond the single act which is by these resolutions declared to be so grave an offence. Whether he is Mr. Johnson, Mr. Lincoln, General Jackson or President Washington, does not affect the question. Is there any man in the Legislature or out of it who would claim that if a similar step had been taken by one of the other Presidents named, it would be ground for impeachment? If not, is there not room for suspecting that political prejudice influences the judgment of those who favor the impeachment of the present Executive? If Congress, during the time of Washington, had claimed the right to force upon him an offensive Cabinet officer, and the President had appointed another Secretary, for the purpose of determining the constitutional power of Congress, who would have had the hardihood to suggest an impeachment? The present Executive may have infirmities of temper, but he, as well as his predecessors, represents in his person the dignity and greatness of the American people. To force upon him an offensive Cabinet officer is to insult and degrade him, and through him the people whom he represents as Chief-Magistrate. Such a proceeding is not warranted by the Constitution, nor by any rule of propriety or common courtesy, which should regulate the intercourse of men in every sphere, and especially of those who occupy exalted stations. Nothing can justify so wanton an insult to him and to the Executive office. Congress might as well force upon the President a Private Secretary personally offensive and obnoxious; and to say that because the President sought a peaceful and constitutional mode to test the right of Congress to do this, he ought to be impeached and removed from office, affords a melancholy instance of the length to which party zeal will carry men otherwise just and patriotic.

There is still another objection which would alone be conclusive against the transmission of the resolutions. It cannot have escaped the attention of your honorable body that the Senate of the United States refused to receive a similar communication from the Governor of Michigan. That body sits as a Court to try the President upon the charges presented; and any attempt to forestall the judgment of that or any other judicial tribunal, before the accused is heard in his defense, would be indelicate and improper. No respectable Court would permit such a proceeding. The resolutions of the Assembly, expressing sympathy with the President, were free from this objection. Had they not been, they would not have been transmitted by me.

Whatever may be the judgment of others, I am thoroughly convinced that the people of this State do not wish the Chief Magistrate of the nation to be subjected to injustice or insult, and that the resolutions in question do not express the public sentiment of the State, nor the opinions or feelings of its people. And while I would cheerfully comply with a request for the transmission of any communication tending to promote the interests of the State or of the country, it will be evident upon reflection that it would not be proper for me to do otherwise than decline acceding to the request embodied in the foregoing resolutions. In doing this, I trust it will not be considered a breach of that courtesy

which will never be intentionally wanting in my official intercourse with your honorable body.

H. H. HAIGHT,
Governor.

VETO MESSAGE OF THE GOVERNOR

IN RELATION TO

ASSEMBLY BILL No. 238,

AN ACT

GRANTING LANDS IN YOSEMITE VALLEY.

D. W. GELWICKS.....STATE PRINTER.

VETO MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 4th, 1868. }

To the Assembly of the State of California :

I herewith return to your honorable body, without my approval, Assembly Bill No. 238—"An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon."

I am free to say that my first conclusion was favorable to this bill; but, upon more mature reflection, the objections to it appear so insuperable that I feel compelled to return it, and leave the responsibility of its passage with the Legislature. Without entering into a lengthy discussion of the measure, the objections to it are chiefly these: It is in effect a repudiation by the State of a trust deliberately accepted for certain public purposes, and an appropriation of the whole Yosemite Valley to private ownership. The question is whether the whole valley and surroundings shall be for public use, or shall be converted into private property. The grantees in this bill, it is true, ask only for a portion, but they are not the only ones who have improvements in the valley. At least one other person has a possession and improvements, who will make a similar application; so that the question, in effect, is, whether the whole valley shall be converted into private ownership or remain a public reservation as contemplated by the Act of Congress.

The property belonged to the United States Government and was subject to its absolute disposition. It granted it to the State as a donation in trust for certain purposes, which are expressed as follows in the Act: "With the stipulation, nevertheless, that the said State shall accept this grant upon the *express conditions* that the premises shall be held for public use, resort and recreation; shall be *inalienable for all time*; but leases not exceeding ten years may be granted for portions of said premises" etc.; "the premises to be managed by the Governor and eight other Commissioners to be appointed by the Executive of California, and who shall receive no compensation for their services." The State, by the Act of April second, eighteen hundred and sixty-six, accepted the grant, "upon the conditions, reservations and stipulations contained in said Act of Congress," and provided for the administration of the trust, by a Board of Commissioners. It is manifestly improper

for the State to proceed to violate the terms upon which it accepted the grant, on the ground of alleged equities in favor of persons occupying the valley. The State accepted the gift upon certain conditions, one of which was that it should not alienate the property. It could either comply with the conditions or refuse the donation, and the better course, in any event, would be to wait until Congress had previously signified its consent to such an appropriation of its gift.

Aside, however, from the impropriety of this measure without the preliminary assent of Congress, there are other considerations which seem conclusive. The value of the Yosemite Valley and surroundings to this State is imperfectly appreciated by us at the present day, and this value is not merely æsthetical, but it is an important addition to our material resources. The time is not distant when thousands of tourists will cross the continent from the Eastern States and Europe to witness its scenery and pass the Summer in its pure atmosphere. As this material benefit will be shared by the whole population, none can justly complain of the small amount annually expended by the State.

It is important that access to every part of the valley should be unrestricted, and that the traveling public should not be subjected to such exactions as are said to be practiced in the vicinity of Niagara Falls. The Commissioners have already made considerable improvement in rendering the different parts of the valley accessible, and a trifling expense will enable them to make all that are necessary.

It could hardly be contended that a settlement on unsurveyed public lands would give rights which would hinder the Government in disposing of them for public benefit. Whatever equities the grantees in this bill have by virtue of their occupancy could be satisfied either by payment for such improvements as they had at the date of the Act of Congress (which were not of great value), or by a lease at a nominal rent for a term of years. While, therefore, this bill originates in a feeling of kindness toward the grantees who suffer from the action of Congress, it is not one to which I feel at liberty to give my assent.

H. H. HAIGHT,
Governor.

TESTIMONY
RELATING TO
CHARGES OF CRUELTY

PRACTICED ON INMATES OF THE
STATE REFORM SCHOOL AT MARYSVILLE.

D. W. GELWICKS.....STATE PRINTER.

PROCEEDINGS OF COMMITTEE.

The Joint Hospital Committee of the Senate and Assembly met at the State Reform School building, February twenty-sixth, eighteen hundred and sixty-eight, and had under consideration the matter of charges of cruelty practiced by the Superintendent on some of the inmates, published in the Sacramento Union, November sixteenth, eighteen hundred and sixty-seven, and in accordance with Senate Concurrent Resolution No. 41.

Present, on the part of the Senate, Senators Teegarden, Perley, McDougall, Maclay and Johnson; and on the part of the Assembly, Assemblymen Warfield, Oliver, Mattingly and Mardis.

Hon. E. Teegarden in the chair.

TESTIMONY OF H. S. HOBLITZELL.

Mr. H. S. Hoblitzell was sworn, and testified as follows :

Question—What position do you hold in this institution?

Answer—That of Superintendent.

Q.—Was there a boy by the name of French an inmate of this institution some time during the year of eighteen hundred and sixty-seven?

A.—There was.

Q.—What was his age?

A.—Thirteen years.

Q.—What was French's condition as regards health when he was called for by a Mr. Taylor, of Sacramento?

A.—His health was good at that time. When taken from his room on the day he was discharged, he appeared well and walked firmly, but when he came in the presence of Mr. Taylor, the person to whom he was to be delivered, he affected debility and assumed a staggering gait; all, in my opinion, was put on for the occasion.

Q.—Was he handcuffed?

A.—He was.

Q.—Was he in irons at any one time for the period of two weeks, as charged in the Sacramento Union?

A.—I cannot answer that question positively. I think, during the

whole time he was at the institution, and at different times, he was in irons for the period of two weeks.

Q.—Was the boy French at any time kept chained to the floor?

A.—He was.

Q.—While thus confined, was he at any time quite sick?

A.—Not that I was aware of at the time. My assistant has since told me that he had an attack of fever during the time mentioned.

Q.—Was the boy French and another boy, upon being recaptured, at any time whipped?

A.—They were.

Q.—With what kind of an instrument?

A.—With a leather plaited strap; the same as here exhibited.

Q.—How many lashes were inflicted?

A.—I believe thirty-five. The reason why I think so is, that the editor of the Appeal had been in the habit of making a notice every time the boy French ran away, and I at last told him that if he ran away again I would give him one lash for every word written, and, as near as I can recollect, thirty-five words were written in the notice of his escape at this time.

Q.—Were the lashes thus inflicted on the bare back?

A.—I do not know whether or not I took off his shirt; he had no vest on.

Q.—Was he made to count the lashes aloud as they were given?

A.—He was.

Q.—Was a Spanish boy from Marysville also frequently whipped?

A.—No, sir.

Q.—Was the boy French at any time chained to an iron ring in the floor?

A.—Yes; as a last resort.

Q.—How many feet of chain did he have to move with?

A.—About three feet.

Q.—Was he ever placed in a dungeon, and how long was he confined there, if so?

A.—He was placed in a room admitting light and air, which we call a dungeon; I do not know how long he was confined there.

Q.—When thus confined, how and on what was he fed?

A.—I expect on bread and water.

Q.—Was he then placed in another room and chained to the floor—that is, after he had removed from the room called a dungeon?

A.—I think not; he was placed directly in the room he occupied when chained.

Q.—Was a handcuff at any time placed on his wrist and with about a foot of chain connected with an iron ring, so fastening him that it was impossible for him to stand erect?

A.—I fastened him with the chain here exhibited to the Committee, which is fifteen inches between the handcuffs and twenty inches to the outside of the same; he was never chained by his wrist to the floor so as to prevent his standing erect.

Q.—Was he ever confined when sick with chills and fever?

A.—My assistant informs me that he was confined when sick with fever; I was not aware of the fact at the time.

Q.—Was he ever confined without bedding, except a blanket or two?

A.—He never had less than two blankets and a pillow, when the thermometer stood at ninety degrees.

Here Mr. Hoblitzell was requested to make such further explanations

as he deemed necessary in order to a full understanding of all the matters in regard to which he had been interrogated.

To this end, Mr. Hoblitzell asked to have his reply to the charges, published in the Sacramento Union, admitted as such further explanation, he making oath that all the statements therein were correct and true.

On motion, it was resolved that the said "reply" be accepted as testimony, and that the same be hereunto appended.

TESTIMONY OF C. KELSER.

C. Kelser was sworn, and testified as follows :

Q.—What position do you occupy in this institution, and how long have you held your present position?

A.—I am Assistant Superintendent, and have held the position since the eleventh day of June last.

Q.—When, or at what date, did you first see the boy French?

A.—He was here when I came.

Q.—Was you here at the time L. S. Taylor, of Sacramento, came for him; and if so, how long had you been here?

A.—I had been here two or three months.

Q.—State fully all you know in regard to any punishment inflicted on the boy French before he was taken from the institution by said Taylor.

A.—He was handcuffed; I don't know how long; never saw him whipped; the last time he was locked up he had fever; don't know that he had chills; the fever continued two days; the boy was allowed two pairs of blankets and a pillow; his diet was the same as given other boys.

CROSS-EXAMINATION BY MR. HOBLITZELL.

Q.—At the time the boy had fever did you report the case to me?

A.—I did not.

Q.—Did he, during his confinement, take his regular meals three times a day?

A.—He did, with the exception of one time, when I forgot to give it to him.

Q.—Did you give the boy needed medicine when he complained of fever?

A.—I did.

DIRECT EXAMINATION RESUMED.

Q.—Was the boy French chained to the floor by the hand or foot?

A.—He was chained to the floor by the hand, so that he could not stand erect.

Q.—Is this the chain [presenting the chain exhibited by Mr. Hoblitzell]?

A.—I do not think it was quite as long as that; have not a distinct idea about the chain now.

Q.—Are you sure this is not the chain?

A.—I am not certain; it may be the same.

Q.—How long was French chained to the floor?

A.—As near as I can remember, it was seven or eight days.

Q.—Was it just prior to his receiving his alternative sentence?

A.—I think it was.

Q.—Was this the time Mr. Taylor was there?

A.—It was, as near as I can remember, and this was the last punishment he received at this house.

Q.—Have you seen many cases of fever; and what evidence have you that he had fever?

A.—I have only his own words and his appearance, which was changed from that of health; I never saw many cases of fever.

Q.—Has the Superintendent ever inflicted severe and unreasonable punishment on any of the boys since you have been connected with the institution?

A.—No; he never has.

Mr. Maclay moved that the examination be indefinitely closed, which motion prevailed.

On motion of Mr. Maclay, the Committee adjourned to meet again at the call of the Chairman.

[For the Union.]

MATTERS AT THE STATE REFORM SCHOOL.

MESSRS. EDITORS: In your issue of Saturday, sixteenth instant, appears an article animadverting severely upon the present management of the Reform School, and making specific charges of the gravest nature, which a sense of duty to myself, and to the parents whose children I have the care of, requires that I should refute. The article in question is so glaringly inconsistent in many of its statements, and so highly colored in exaggeration, interwoven as it is with some direct misstatements, that were it not for your extended circulation, and the injury it might do a deserving institution, I should be induced to let it pass unnoticed and rely upon a discriminating public to judge, by the article itself, whether or no an undue amount of cruelty had been practiced upon the guilty boy, as charged. To pass over that portion of the article evidently intended to enlist sympathy, I notice, first, the following:

“Taylor, after considerable difficulty, procured an order from the Directors of the school for the custody of the boy, on condition that he delivered him to the authorities of this city.”

The conditions were that Taylor was to deliver the boy to the Sheriff of Sacramento County. French had been committed from the Police Court of Sacramento (Judge Foote presiding), for crime, and brought to the school October thirtieth, eighteen hundred and sixty-six, for the term of three years, with this alternative sentence, viz:

“That if, at any time during his continuance at the school, the Trustees should become satisfied, and would so certify upon the commitment, to his being incorrigible, then he was to be remanded to the Sheriff of

Sacramento County and confined in the Jail of that county for the space of thirty days."

This order had been made previous to Taylor's visit to the school, which was on the eighth of October. On that day he (Taylor) arrived at the school with an order from the Trustees for a boy named Sullivan, and then agreed to carry out the provisions of French's alternative sentence, and deliver him as above stated.

If he performed his commission faithfully, the following, from the same article, seems a little strange :

"When Taylor arrived in the city, Judge Foote refused to restrain the boy any further, and he was taken to his mother."

In regard to the discharge of the boy by Judge Foote, that is a matter with which I have no concern. I had been relieved of his custody by the Trustees, at my own solicitation, and I certainly had no desire that his alternative sentence should be executed against him, if it could be avoided. But I am not aware of any law upon the statute books giving Judge Foote such authority.

The next charge is the following :

"Between one and two hours elapsed before he was permitted to see French, and when he was brought to him he was so feeble that he was unable to walk without staggering, and so emaciated that Taylor feared he would scarcely reach home alive."

If Taylor would have the public believe that I kept him waiting one or two hours designedly, to fix French up for the meeting, or that I would not permit him to see the boy in his own room, if he had asked it, I pronounce it wholly untrue. He may have been in the building an hour or two, for I believe he improved the occasion of going over the premises with the Acting Matron of the establishment; but that it was half an hour from the time I met him until the boy was presented to him, I do not believe. When presented to him, the boy did stagger; but he had a role to play, and knew it, and none could play it better than he. I knew it was affectation upon his part, and so said at the time. For in all my experience of boy character, I have never known one more deceitful than he is. That he may have looked pale and haggard from recent confinement, I do not deny; he never had any color. Here is my description of him, put on record when he was first received: Age, thirteen; height, four feet eleven inches; bright gray eyes; hair very light, almost white; prominent nose; sharp face; complexion pale.

He was not accused, so far as we know, of committing any other offence than that of "running away," is the next charge; and further along in the article the author very naively says he only ran away nine times. Nine times in eleven months! What graver offence than this! Could such conduct be tolerated and subordination preserved? In this alone consists his complete incorrigibility which consigned him to his extreme punishment ordered by the Court. But here is his runaway record :

Brought to the school October thirtieth, eighteen hundred and sixty-six; escaped November eighth; escaped November fourteenth; escaped January tenth, eighteen hundred and sixty-seven; escaped January thir-

tieth; escaped February sixth; escaped February fifteenth; escaped July twenty-first; escaped September second; escaped, and lastly, September twenty-eighth; remanded as incorrigible October eighth."

Always, with one or two exceptions, inducing other boys to accompany him, and arrested each time at a cost varying from five to twenty dollars, to say nothing of the annoyance and lapse of time of myself or assistant in looking them up each time. He was properly punished every time; sometimes with handcuffs, and once with a plaited leather strap, twenty inches in length, half the thickness of my little finger, and weighing less than an ounce by my letter scales. I am precise about this instrument of torture, lest it might be magnified into one of immense proportion. Every appliance and means was used to reconcile the boy, not only by myself, but my assistants, seeing his perverseness, used their endeavors, all to no purpose. As a dernier resort, with the sanction of the Trustees, I placed manacles upon his ankles, with a chain long enough to admit of his walking about, but these he freed himself from in less than twenty-four hours, by springing the lock with a common string; a trick entirely novel to me, and which I would not have believed possible. With a determination to secure him until he could be remanded to his alternative sentence, and with his repeated threats, which reached me through his companions, that I could only keep him by chaining him, I resorted to the handcuff fastened to the ring in the floor, which would prevent his obtaining implements with which to manipulate his fastenings.

In this condition Taylor found him on the eighth of October, having been placed there September thirtieth for his last escape, two days before. His bedding consisted of two pairs of woollen blankets and pillow, and when the warm weather of that period is considered, I think it will be conceded was quite sufficient.

To the charge, that during this time he was sick with chills and fever, my assistant, who attended upon him three times a day to give him his meals, says that a portion of the time he had fever, but that he did not at any time fail to eat his regular meal; that he gave him needed medicine, and did not deem it necessary to report the case to me.

That his punishment was remitted at any time, on account of visitors to the establishment, is untrue and without any foundation whatever.

To the final charge, that new clothing sent up by his mother was given to other boys, and old clothes furnished him, is wholly and entirely untrue. When Taylor came, he presented a memoranda of his apparel from his mother, and every article was given him as enumerated. He left behind a trunk, which is here subject to the order of his mother, and which Taylor refused to take, alleging, as a cause, want of room in his buggy. The only foundation for this charge, that I can conceive, and which may reveal the whole animus of charges against the present management, is the following: On the morning of October eighth I had occasion to send two boys into town to perform a commission for me. On the road, when about half way, Taylor, coming out, met them, and learning that one was a boy he had an order for from the Trustees to be delivered him on certain contingencies, forthwith took him from the wagon and brought him back to the school. It can readily be imagined I was not a little displeased with such an assumption of authority from an entire stranger, and so characterized the proceeding at the time. To this boy, thus returned, I had loaned an overcoat belonging to French,

and to this circumstance alone can I attribute the foundation for the charge.

The above is a plain statement of facts—necessarily lengthy, because there were a good many counts in the indictment—and I preferred to answer them seriatim. The whole case can be summed up in a few words: The boy was a very bad one; had been convicted twice before in a Court of justice for misdemeanor; certified to by the Trustees as the worst one ever brought to the school. What could I do? Harsh means had to be resorted to, because it is shown mild ones would not answer his case. I have discharged over forty boys in the two years past—have over that number at present under my care—and yet from those discharged or those at present in the school never a murmur of cruel treatment.

The attorney who took the boy French took with him the boy Sullivan, sent us from Sacramento also. We hear nothing of a case being worked up in that boy's or his widowed mother's behalf. And why? Because he was a good boy while in the school, always found trustworthy, never once punished, because he never merited it. Every attaché of the institution will bear willing testimony to this boy's obedience to orders and faithfulness to every duty imposed upon him. He left us regretted by all, while the reverse was the case with French. The testimony of such a boy would not avail anything in the end to be accomplished by the attorney for French. Sympathy was to be excited for a poor lone widow, with probably a retaining fee; hence the article in question, holding up to the public view—as he is—a notoriously bad boy, known intimately by the police force of Marysville and Sacramento from their frequent arrest of him.

I challenge scrutiny in this case, and in any and every case of any boy ever under my charge. I scruple to no man in my reverence to that greatest of virtues, charity, and I have never before been in a position where it has been called into requisition oftener than my present one, nor oftener exercised. Hence the charge of inhumanity falls harmless upon me.

H. S. HOBLITZELL,
Superintendent State Reform School.

MARYSVILLE, November 20th, 1867.

We, the undersigned, police officers of the City of Marysville, hereby certify that we know the boy French mentioned above, intimately, having frequently had him in our custody as an escape from the Reform School, and from our own observation, together with his admissions to us, we believe him to be one of the most incorrigible youths we have ever met.

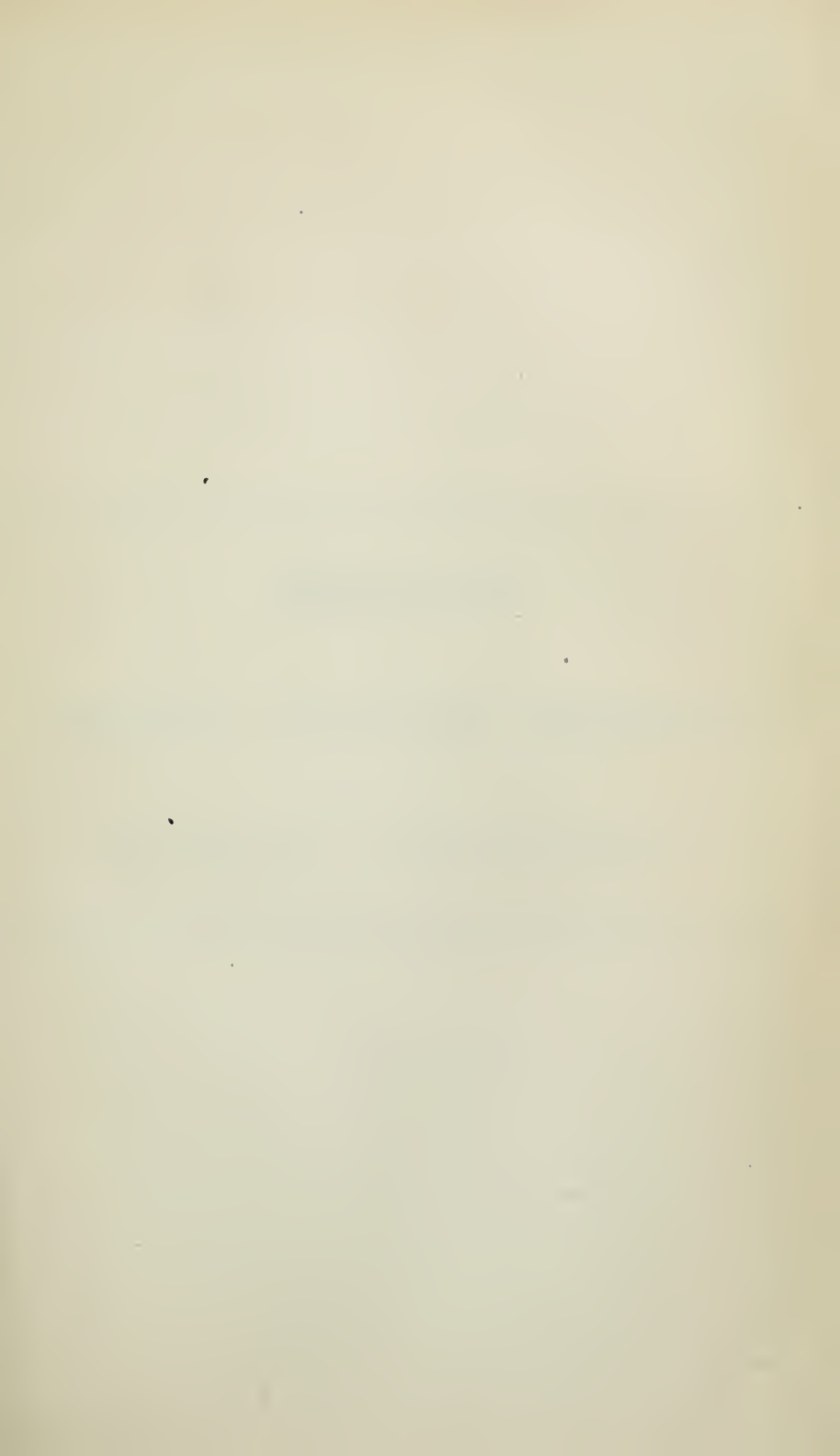
(Signed:)

M. R. CASAD,
D. P. DERRICKSON,
J. F. SMILEY,
H. L. McCOY,
J. C. DONLEY (City Marshal).

In addition to the above, I further certify that frequently when I have

arrested French I have asked him whether he got good food and plenty of it, and whether he was well treated or not at the Reform School, and in every instance he answered that the food was good and plenty of it; that he and the boys all were treated well, and liked Hoblitzell first rate; and to my question why he ran away, invariably answered, "To get tobacco."

M. R. CASAD,
Detective Police Officer, Marysville.



REPORT

OF THE

ASSEMBLY JUDICIARY COMMITTEE

IN RELATION TO

“LEGAL TENDERS.”

D. W. GELWICKS.....STATE PRINTER.

R E P O R T.

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bills Nos. 73 and 484, would respectfully report that they have had the same under advisement and have arrived at the following conclusions:

These bills propose, in effect, to nullify the Act of Congress providing a circulating medium of Treasury notes, commonly called "legal tenders," and establishing within the State of California a specie basis only.

The right to provide a currency within the United States other than gold and silver has been assumed by the Congress of the United States as a constitutional grant of authority, which has been by our Courts and the Courts of various States of the Union held to be within their prerogative, and in a late case the Supreme Court of the United States have, in an indirect adjudication, uttered the same judgment.

The opposition to the general adoption of the Congressional currency arises from the assumption and frequent repetition through the various channels of popular communication of the irredeemability and consequent reduced value of that species of currency. Even His Excellency the President of the United States, in treating of that subject in his message to Congress, has fallen into the common error and given credit to that fallacy.

Gold and silver, by being adopted as of uniform value with the impress of the coinage of the United States, is redeemable only by our citizens accepting and receiving it in free exchange in the trading or commercial and mercantile pursuits of the country. A worn twenty dollar piece of coin is even so received if the impress is still visible, though the real value, as an article of commerce with other nations, or to return to the Mint for coinage, is much depreciated. There is nothing back of this coinage to make it valuable except the standard impress and its uniform adoption by the community as a medium of exchange. The general use of the coin, and no intrinsic value in the metal, gives the value which is, though specific in amount, really relative only to the various articles of merchandise, dependent upon the demand and supply both of the medium of exchange and the commodities to be disposed of.

The same might be said of the Treasury notes, with this advantage in their favor, that they are more convenient; and when worn by long use

they can be returned to the Government and a new one substituted, without any deduction in value from wear and tear.

The Treasury notes, when generally and universally accepted as a medium of exchange, are by that very fact constantly redeemable, and when finally called in by the Government of the United States will be redeemed with stamped metal that will only subserve the one purpose—a circulation to aid exchange.

Your Committee are generally of the opinion that the Government of the United States made a gross mistake in making any exceptions as to the purposes to which "legal tender" notes might be applied, thus curtailing the use and lessening the demand, and, as a consequence, reducing their value. Had they have needed gold for foreign trade more than was received into the Treasury, as asserted as the reason for the exception, it could have been readily procured on the faith of the nation; but in that your Committee are of opinion that the exports—which in all healthy nations will in the end equal the imports—would ultimately, if not constantly, have regulated and provided for foreign exchanges, and taken in connection with the large amount of precious metals constantly being extracted from the mines within our limits, would have left no cause for embarrassment or of apprehension. True, for a short time during the rebellion, our exports were nominal, whilst our imports were large; but, for the time being, a correct financial policy could have provided for the deficiency without depreciating the currency and credit of the Government, and by that means largely increasing the indebtedness to rest upon the taxpayers for generations to come.

The unfriendly legislation of this State in restricting the circulation of the legal tender notes has been another great cause of depreciating their value—for value is regulated by use and demand—and has thus placed the circulation of the country under the control of scheming capitalists, whereby, by the distinctions between the standard value of the precious metals and the Treasury notes, it has placed within their control those relative values, and by that means, by flooding or depressing the market in either the metallic or Treasury note circulation, from day to day, they have been enabled to make capital, remaining constantly in their own hands in one character or the other, pay a large percentage of profit to the holder at the expense of the laboring and producing classes of the community.

Should the bills under consideration become the law of the State and find aid through the Courts to enforce it, the influence would be but to further aid in restricting the circulation, and, as a consequence, depreciate the notes of the Government.

At an early period in the history of the Northwestern States, the "Mint drop" infatuation took possession of the councils and for a time ruled the destinies of those infant States, and only until the value of property was reduced to ruinous rates and the country nearly bankrupted did they open their visions to the wider field and permit the sound circulation of other States—of paper currency—a use in their midst. The "Mint drop" furore was but the reaction to the other extreme of the "wild cat" banking system that first prevailed, which had thrown upon the country a worthless, unredeemable paper currency, issued from unsound, fictitious and worthless corporations of individuals, and not invested with the character of "legal tender," which would enable the holder to meet his obligations therewith.

This character of legal tender in the discharge of all contracts and liabilities, if preserved and protected by the Government, makes in itself

this character of currency as much redeemable and of as much value as can attach to any kind of circulating medium. If the amount of circulation is redundant, let the General Government interpose and restrict the issue of legal tender notes by the National Banks, based upon the Government bonds upon which the people have to pay them an interest equal to the value of the use of the money, whilst they are permitted to issue, in another form, as bank notes of legal tender credit, a circulating medium nearly equal to their original investment in the bonds—thus enabling the capitalists to make the second use of their money.

The first issue of legal tender notes was an experiment, pressed by the emergency of the moment, and that mistakes should have arisen is not to be wondered at; but after this term of experience of the advantages resulting, and of the errors of past legislation depreciating the value of that kind of money, we deem we should be derelict of our duty to our constituents did we not urge our objections to further legislation of the character proposed in the bills under consideration.

Your Committee, as a conclusion, would respectfully recommend the indefinite postponement of both of said bills.

E. STEELE,
J. W. DWINELLE,
JOHN H. MOORE,
A. COMTE,
J. R. BUCKBEE,
WILLIAM H. CURETON,
CHARLES A. TUTTLE,
BENJAMIN HAYES,
J. J. PAPY.



REPORT
OF THE
COMMITTEE ON PUBLIC LANDS
ON
ASSEMBLY BILL No. 271.

D. W. GELWICKS, STATE PRINTER.

R E P O R T .

MR. SPEAKER: Your Committee on Public Lands, to whom was referred Assembly Bill No. 271, entitled "An Act to grant to William H. Davis the title of the State of California in certain property situate on the water front of the Town of New San Diego," and the accompanying petition of said Davis, have had the same under consideration and beg leave to make the following report, viz:

From the documents and other evidence before the Committee, the following facts are gathered: By a written agreement or contract, dated March sixteenth, A. D. eighteen hundred and fifty, it appears that the parties for whose relief the several bills are intended, with others, formed a company for the purpose of purchasing of the Town of San Diego a certain tract of the pueblo lands of that town, of which the lots specified in the bill before us form a part. The purchase money was to be advanced by José Antonio Aguirre, William Heath Davis and Miguel de Pedrorena. A further agreement between them was, that a wharf and warehouse should be built thereon. The capital therefor was to be advanced by said Davis, to be reimbursed out of the first money arising from the sale of lots, or the proceeds arising from the wharf and warehouse. The other terms are not material to the case before us.

Proceedings were then taken by them to obtain a grant from the town authorities, who were then still acting under the authority of the Mexican laws. By order, dated on the same day, José A. Estudillo, Prefect, consented to the grant, reciting that the site of said lands was within the commons marked out for the inhabitants of said pueblo, and that the proposed enterprise would be of benefit to them.

On the eighteenth of March, A. D. eighteen hundred and fifty, Thomas W. Sutherland, as Alcalde of the District of San Diego, executed a deed for said tract to the parties above referred to "in consideration of the sum of two reals per vara front for each lot of one hundred varas in front and one hundred varas in depth," in all amounting to the sum of two thousand three hundred and four dollars, upon the following conditions, viz:

First—That there should be erected thereon a wharf and warehouse, to be commenced within six months and completed within one year

thereafter. That if said tract should be laid out into a town or city, a public square should be reserved to "all the citizens of San Diego," and one lot of fifty varas square, bordering on the public square, should be conveyed to the authorities of the Town of San Diego.

This deed was duly recorded on March nineteenth, eighteen hundred and fifty. In July of the same year a voluntary partition of the lots in said tract (then called "New San Diego") was made between the parties, and in September following the said partition was confirmed by a decree of the District Court of the First Judicial District for the County of San Diego—under which decree their respective interests were finally partitioned to them, and they have since remained in the possession of the premises, making sales of the same.

The official map of said "New San Diego," made by A. B. Gray, United States Boundary Commissioner, and T. D. Johns, United States Army, has been before us; and the lots respectively claimed, as set forth in the bills, are designated thereon with all necessary certainty of description, and compliance has been shown with the conditions of the grant of the Alcalde and Prefect.

There is no reason to believe that perfect good faith did not govern the claimants and the town authorities in forming this new establishment for the objects they must have had in view, and that a warehouse and water front were a necessity to the proper development of the interests of the new settlement or town.

The aforesaid site is situated on the bay or harbor of San Diego, and is distant about three miles (up the bay) from the "Old Town," and six miles from the entrance to the harbor; and it was doubtless a sound judgment in the authorities to make this location, in view of the future business of the place. In fact, it presents many advantages for laying out a town, having sufficient depth of water in front of it for vessels of large capacity, a broad and level site, and near the main body of population then living within the eight leagues of land belonging to the said Pueblo.

The improvements made under and by virtue of the aforesaid contract were undeniably of great public benefit to all the inhabitants thereabouts. The price paid for the lands, as fixed by the authorities of San Diego, was not insignificant, considering the value of the lands at that time, and was, besides, a considerable revenue to that town, then very remote from the then great commercial highways.

The consideration was, as has been shown, paid jointly by Aguirre, father of one set of the heirs claiming, Pedrorena, father of the other heirs, and Davis, and amounted to two thousand three hundred and four dollars. And the wharf and warehouse were erected at a cost of twenty thousand dollars, and was paid exclusively by Davis, and for which he has never been reimbursed in any manner by the other parties to the agreement.

The entire water front of the Harbor of San Diego is about six miles in length, of which the lands in question comprise but a small fraction.

Your Committee, therefore, in view of the foregoing facts, believe that the petitioners, although acting in good faith in everything connected with the foregoing transaction, failed to obtain a legal right to the lands in question, for the reason that the authorities granting the same had no right or power to grant said lands, for want of jurisdiction; and whatever of claim they may have is based wholly upon the equities of their case. What those equities are is not for your Com-

mittee to determine, but must be left to the wisdom and consideration of your honorable body. But in view of the fact that the aforesaid Davis has expended a large amount of money on the faith of the said grant, and unless confirmed in the possession and title to the same will suffer serious loss and perhaps be ruined in business, we would most respectfully recommend that the said W. H. Davis be confirmed in the possession and right to such of the lands as are comprised in block eight hundred and nine (809), as represented on the official map of the City of San Diego, by Charles H. Poole, and comprising twenty-two (22) lots, lying between San Jacinto and Buena Vista streets, the same being block twenty as represented on the official map of said Town of New San Diego, by A. B. Gray and T. D. Johns, United States Army and United States Boundary Commission of eighteen hundred and fifty, together with the water frontage to the same for a distance into the bay sufficient to reach a depth of water suitable for the purposes of commerce, being one hundred and forty feet, as prayed for by petitioner.

So far as the claims of the other heirs represented in the Bills Nos. 275 and 272—relating to a part of the same land, claimed by Jose A. Aguirre and M. Pedroreno or their heirs—are concerned, your Committee are of the opinion that they not only have no legal right but fail to show any equities, none of them ever having spent anything either in money or by making improvements thereon; they do not now reside upon nor have they ever occupied the lands or any part thereof at any time; hence, so far as they are concerned, your Committee are of the opinion that the State should not grant the lands asked for in the said Bills Nos. 275 and 272, and recommend they do not pass.

Your Committee would state, in conclusion, that whilst they make the foregoing recommendation, they fully understand that it is only as a matter of justice, resting entirely upon the equities in the case; and in that case refer the matter to your own honorable body, for such action as may seem most likely to promote the ends of justice.

TULLY,

Chairman of Committee on Public Lands.

MINORITY REPORT

FROM THE

Committee on Ways and Means

IN RELATION TO

ABATEMENT OF TAX ON MORTGAGES.

THE STATE OF NEW YORK

IN SENATE

January 1, 1881.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE.

D. W. GELWICKS.....STATE PRINTER.

R E P O R T .

MR SPEAKER: The undersigned, from the Committee on Ways and Means, begs leave to present a minority report on Assembly Bill No. 300—An Act to abate the tax on mortgages—believing that the Act in question, involving matters of the gravest importance, affecting the financial resources of our State to an extent entirely beyond our present means of ascertaining, should receive the most careful consideration before it should become a law:

The theory of taxation recognizes an equality in the distribution of the burdens of government. The Constitution requires and demands that taxation shall be equal and uniform throughout the State. The language of the Constitution is that “all property in this State shall be taxed in proportion to its value.”

In the enumeration of property in our Revenue Law, among other designations of personal property, occurs the word mortgage, used only to more fully embrace the different items of taxation, not treating property known as mortgages as in any manner different from money on deposit, money on hand, horses, cattle, or any other species of personal property. A mortgage represents the number of dollars expressed in the instrument, and can be negotiated in the open market for its full nominal value, if solvent; if not, the tax would not be claimed. Then by what species of reasoning can it be claimed that mortgages shall be exempted at the expense of other classes of property? It may be claimed that the Legislature has a right to remit taxes, although levied in accordance with law, but a demand for a remission of taxes of the class enumerated admits that the requirements of the Revenue Law have not been faithfully executed by the officer entrusted with its execution. As revenue officers, as well as others engaging to execute official trusts, take the oath to faithfully discharge the duties pertaining to their offices, they cannot claim to pass upon the constitutionality of the law, but to execute the law as they find it; and if the revenue officers in portions of the State have failed to do their duty, the people of the State at large should not be called on to assume the results of their neglect. The power of money is always aggressive, and demands and dictates the policy by which it protects itself. The theory of the remission of the mortgage tax—that the poor man, the borrower, will receive the benefit of such abatement—

is not supported by the efforts brought to bear on the passage of this Act. As we have no right to exempt in advance mortgages, any more than other items of personal property, we cannot assume the illegality of the same tax past due, when the law designated that such property should be taxed and it could only be considered a gift to the money lender.

If persons prefer to loan money, and depend upon the profits accruing from its use, rather than invest in real estate or other visible property, there are certainly no good reasons why the real estate and other property should bear all the burdens of government, and save harmless the money lender, who has all his means invested in mortgages. As an Act of the Legislature exempting mortgages from taxation would be in open violation of law, as lately decided by the highest judicial tribunal within our State, it would seem equally against the law, or at least public policy, to exempt property from the payment of taxes that the law especially says shall be taxed. The theory that property is doubly taxed by reason of mortgages being inventoried in the list of personal property is more apparent than real, but may in exceptional cases seem to so operate; but no law in all cases is entirely equal in its results. The delinquencies on taxes accrued on mortgages are not of general occurrence. As such taxes have always been recognized and paid as a legitimate tax by a majority of the counties of the State, there would be a manifest injustice on those who have paid such tax to now share the loss of those who have failed to pay. It is claimed by the advocates of this bill that the State will receive no benefit from the tax sought to be remitted by this Act, but that individuals will be ruined—a kind of reasoning founded in sophistry; for if the taxes have been paid by the mortgagor to the mortgagee, which has frequently been done, or deposited in bank to his credit, the borrower would have nothing further to pay, but the lender, who has already received or been indemnified for the tax, would only pay a tax which he has wrongfully exacted from the borrower; and to remit this tax would only be a gift to the money lender, and a concession and recognition of the power of money over the labor and industry of the community. The objection to the taxation of money is urged on the ground that it operates to shut out the influx of foreign capital, which it is claimed should bear no part of the burdens of government while claiming its protection. A more reasonable exemption would operate in favor of the citizen who imports to our State improved stock or other sources of wealth, than to exempt the foreign capitalist who transfers his money only as a means to increase his interest, and to derive greater benefits from its uses here than elsewhere. A more equitable abatement would be to relieve the mortgagor from the payment of taxes on the amount owing on mortgage property, which he really does not own, rather than to relieve the mortgagee from the payment of taxes on an active, accumulative capital represented by his mortgage. Believing and knowing that this law is not sought for by the laborer and artisan, but is urged entirely in the interest of the money power of the State, the undersigned recognizes in this Act another encroachment upon and successful entailment of further burdens upon the labor of the country, and is a verification of the trite saying that money is power.

Respectfully submitted.

WILLETS.

R E P O R T

OF THE

Committee on Federal Relations,

CONCERNING THE

IMPROVEMENT OF THE HARBOR OF SAN DIEGO.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

MR. SPEAKER: The Committee on Federal Relations have had under consideration Assembly Joint Resolution No. 3, relative to appropriating fifty thousand dollars by Congress for turning the River of San Diego into False Bay, and otherwise to improve the Harbor of San Diego.

From the information we have been able to reach in reference to the subject, the facts seem to be as follows:

Resolutions upon the same subject under consideration were passed by the Legislature of this State, February fourteenth, eighteen hundred and fifty-two, and Congress subsequently made an appropriation in pursuance thereof for the same purpose, as called for in the present resolutions, to the amount of thirty thousand dollars.

As a result of such appropriation, a survey of San Diego River was made, under the direction of the General Government, by George H. Derby, Lieutenant of Topographical Engineers, and a report thereof, dated March thirtieth, eighteen hundred and fifty-three, will be found in Executive Documents, First Session Thirty-third Congress, Volume One, Part Three, pages one hundred and nine and one hundred and fifteen, inclusive; and a map thereof will be found in "Maps and Views to accompany Messages and Documents of eighteen hundred and fifty-three and eighteen hundred and fifty-four," being Illustration Number Nineteen therein, published by authority of Congress.

From this report and the map referred to, we learn that San Diego River has its source in a small lake or pond about forty miles distant from San Diego Bay; that in seasons of extreme drought the lake becomes entirely dry; at which time the bed of the river is dry also throughout its extent, with a few exceptions where the water flows for a short distance, and then, sinking in the sand, disappears. The tributaries of the river are unimportant mountain streams. The entire bed of the river, from source to mouth, is of light drifting sand, with the exception of two points, where the mountains come down to the river on either side, forming high and precipitous banks about one mile in length at each place. With these exceptions the banks of the river are low, alluvial bottoms, varying in width from one to five miles. The river usually commences running in November and continues until about

March. Freshets are of frequent occurrence. Immense quantities of sand from the high mountains are brought down to the river by the Winter storms, and by the freshets carried to the river's mouth; at which times the water reaches a velocity of five miles per hour, and has a depth of from six to eight feet.

A large sandy plain separates what is called False Bay from San Diego Harbor. Until the year eighteen hundred and twenty-five, San Diego River emptied itself into this so-called False Bay—in which year a great freshet occurring, it overflowed its banks, destroying much property, and formed a new channel discharging into the harbor of San Diego, where it still remained in March, eighteen hundred and fifty-three.

False Bay, prior to the year eighteen hundred and ten, was sufficiently deep to admit of the ingress of vessels of very considerable size, but at present is filled with shoals and sandbars, and has hardly sufficient water at low tide for an ordinary sail-boat.

As to the Bay of San Diego, next to that of San Francisco no harbor on the Pacific Coast of the United States approximates it in excellence. We are thus informed by the Coast Survey reports of eighteen hundred and sixty-two. When inside the harbor, vessels are perfectly safe; there is not reach enough for the wind to raise a swell, and the holding ground is excellent.

But, in the language of Professor Bache, Superintendent of the Coast Survey, in eighteen hundred and fifty-one, "the most important subject, however, connected with the bay is the effect of the debouchement of the San Diego River, bringing with it, when high, in the rainy season, great quantities of sand directly into the channel. It is believed, and apparently with reason, that unless the course of the river be changed the channel will be ultimately filled, which will have the effect, I think, of not only cutting off communication with the new town (New San Diego), but also of destroying the bay entirely as a harbor, for it appears that nothing keeps the bay open but the great amount of water flowing in and out at the narrow entrance. This is an excellent harbor, and its loss would be severely felt."

Lieutenant Derby says:

"The gradual inroad upon the channel of the harbor, caused by the deposits of the river, has been noticed from year to year since eighteen hundred and twenty-five, and the local authorities, alarmed for the harbor, have made frequent attempts to turn its course, some of which for a time have been successful; but as the barriers used were merely sand and brushwood, they were soon worn away, and of late years the attempt has been abandoned."

Under the appropriation made by Congress, Lieutenant Derby proceeded with the work, and in November, eighteen hundred and fifty-three, completed a dam and canal, which served to turn the river as proposed, from the harbor into False Bay; but the levee along the dam and canal, which was the most important part of the work, was never constructed, because of the insufficiency of the sum appropriated by Congress to complete the same.

It was hoped, however, that the work as completed would nevertheless answer for the purpose for which it was erected; but the velocity of the current during an unusually heavy freshet, impelled by the pressure

of such a vast body of water behind, commenced to affect the banks of the canal, and in the course of a few years, no repairs having been made, the whole work gave way, the same never having been completed according to the plans adopted by the Government, for the reasons above stated.

An additional appropriation was made by the Congress of eighteen hundred and fifty-four, but failed for some reason to receive the approval of the President.

In the year eighteen hundred and fifty-six, a bill to the same effect passed the United States Senate, but failed in the House of Representatives.

The matter was again brought to the attention of Congress by our Representatives in the year eighteen hundred and fifty-eight, but no satisfactory result was arrived at, because, as was alleged, of the depressed condition of the Government finances.

In view of all the facts in the case, and especially of the great importance of preserving so excellent a harbor as San Diego, the second on the Pacific Coast of the United States, from almost certain destruction, we, your Committee, would earnestly recommend that the resolutions referred to be adopted by this House.

S. L. LUPTON,
Chairman.



MINORITY REPORT

FROM THE

COMMITTEE ON COUNTIES

AND COUNTY BOUNDARIES.

RELATING TO

ASSEMBLY BILL NO. 334.

D. W. GELWICKS, STATE PRINTER.

REPORT.

ASSEMBLY CHAMBER, March 11th, 1868.

MR. SPEAKER: The undersigned, of the Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 334, entitled "An Act to restore the county boundaries of the Counties of Sierra, Yuba and Plumas," beg leave to offer the following as the opinion of the minority of said Committee:

The bill referred to the Committee was, in its terms, an Act to repeal the Act of March thirty-first, eighteen hundred and sixty-six, by which a portion of the territory of Sierra County was attached to Plumas County, and the passage of an Act to repeal the Act of eighteen hundred and sixty-six was petitioned for by ninety-three persons purporting to live in the disputed district. It was admitted in the Committee that the petitioners composed but a moiety of the residents of the district sought to be set off into the County of Sierra, while it was admitted that a large majority of the people of that section were opposed to any change of boundaries. The Committee, however, as a compromise, propose to give to Sierra County all that portion of the disputed territory lying south of Slate Creek, without any compensation to Plumas County for being thus despoiled. Your Committee are unable to look upon the substitute offered by the Committee for the original bill as a compromise; it takes all and gives nothing.

It was stated in Committee, and not denied, that the portion of territory lying north of Slate Creek desired almost unanimously to be attached to Plumas County; that the road from Laporte to Quincy (the county seat of Plumas County) runs through the only settlement north of Slate Creek and above Laporte; that the wish of that people is to be attached to Plumas County for their own convenience; and that the difference between the territory lying north of Slate Creek, in Sierra County, and that lying south of Slate Creek, in Plumas County, is trifling; the population is about equal, and the convenience of reaching the county seat is without comparison in favor of Plumas County; and yet the majority of the Committee, without petition for that purpose, and in violation of the rule acted upon heretofore by the Committee, seek to despoil one county at the expense of another, without excuse or

It will be remembered that about two years ago there was a road election held in Plumas County to decide whether the county should subscribe bonds to the amount of one hundred thousand dollars in aid of roads in that county; that the people of this disputed district entered into said election with spirit, and that there were polled five or six hundred votes in favor of the issuance of said bonds (the vote being unanimous in its favor), while the majority for the bonds in the whole county was only about two hundred—proving that it was the vote of this district which carried the road bond proposition; and the undersigned, of the Committee, respectfully present that it is unfair, unwise and unjust to establish a precedent that the people of any section of a county may deliberately vote an enormous debt to the county and then go into an adjoining county bodily and escape bearing the burden for which they are responsible.

The undersigned are informed, and believe, that the territory north of Slate Creek, in Sierra County, desire to be attached to Plumas County, and that if a compromise is the object of the substitute bill, it is not attained by its terms in the substitute reported; that a fair compromise would be to make Slate Creek the boundary line from its head down to the point where the lower end of Plumas County terminates:

First—Because it is a natural boundary.

Second—Because it would be an equitable division in population and property between the Counties of Plumas and Sierra; and

Third—Because the convenience of all interested would be served, and finally settle the vexed “Alturas” question.

In conclusion, the undersigned respectfully, yet earnestly and firmly, protest against the action of the majority of the Committee in this matter, believing it to be impolitic, unwise and unjust, and establishing a precedent which may hereafter be cited in the interest of any small body of people who may become dissatisfied with their local condition; and they give notice that when the substitute for Assembly Bill No. 334 comes up in this House they will move an amendment, making Slate Creek the boundary line between Plumas and Sierra Counties, or such other action as may be in accordance with justice.

JOHN R. BUCKBEE,

Minority of Committee on Counties and County Boundaries.

MEMORIAL AND JOINT RESOLUTION

IN RELATION TO

CHINESE IMMIGRATION

TO THE

STATE OF CALIFORNIA.

D. W. GELWICKS.....STATE PRINTER.

MEMORIAL AND JOINT RESOLUTION.

MEMORIAL IN RELATION TO CHINESE IMMIGRATION.

The Memorial of the Legislature of the State of California to the Congress of the United States respectfully represents :

That there are within the borders of the State of California at the present time upwards of fifty thousand Chinese, whose numbers are constantly and rapidly increasing. They are distributed somewhat generally throughout the entire State, the larger proportional number being in those counties which are devoted chiefly to mining pursuits.

Our people have come to look upon the presence of this class of beings in their midst as a great and growing evil ; as productive of no present good ; as prophetic of great future injury ; as a matter to be deplored, and, if possible, ended.

In the last political campaign in the State the contending parties each, by its nominating Convention, expressed, by means of a resolution in its platform, its hostility to the further immigration of the Chinese people ; and in the canvass which ensued, the members of both parties were, by their public prints and their chosen leaders, fully committed to the doctrine that their presence was injurious ; that their influx ought to cease.

The reasons upon which this feeling in the minds of our people are based may be briefly and generally stated, as follows :

The Chinese in our midst are Pagans. In the great City of San Francisco, which is the centre of our commerce, the reservoir of our wealth and the exponent of our civilization, within the shadows of the temple in which our people worship the living God, is a building in which the Chinese have enshrined the grotesque form of their wooden Deity—the only object of their religious worship—harmless enough of itself, perhaps, but certainly revolting to the tastes and insulting to the intelligence of a civilized and Christian people.

They have no conception of the ideas of chastity. In their social relations they are below the most degraded specimen of the American Indian, and but very little above the beast. The few of their women-

kind who come with them are the exponents of the worst possible form of female prostitution.

It is utterly impossible that they should ever become citizens. Even if they had the mental capacity to conceive and adopt the spirit of our institutions, their own political policy prevents their prolonged stay among us. A few years suffices for them to accumulate the few hundreds or thousands of dollars which constitutes their ideas of fortune, and the possessor of it returns to China, and his place is filled by a raw recruit.

Nor is the money thus acquired the property of the person who labors for it. Our entire Chinese population is composed of slaves and their masters, or the agents of their masters. Their labor for a term of years is leased in China by the Government of that empire to contractors; and a portion of each contract is that the person obtaining it shall return at the end of the allotted period as many as he takes away. This the contractors do under the penalty of death, and the bodies of those who die here are invariably returned as freight to their native land.

Not one in a hundred brings with him his wife or his family. They build no houses, cultivate but few lands. A few of the richer class are engaged in mercantile pursuits, importing and selling such articles of consumption and wear as China produces and Chinese consume. Nine tenths of them lead a wandering, unsettled life, working in their crude method in the mines, or engaging themselves from month to month in domestic or other pursuits for hire. They make no effort to acquire our language, manifest no desire to adopt our customs. Throughout their period of stay among us they maintain in every particular their distinct and repulsive individuality.

Their presence is particularly obnoxious and objectionable to the laboring classes of our community. With all their vices, the Chinese possess the admirable traits of industry and economy. They are wonderfully imitative, and soon become deft workers in any species of labor. As their food and clothing are of the simplest and cheapest description, it is almost, if not quite, impossible for free white laborers to compete with them. This evil grows in magnitude and oppression as surface mining ceases to be profitable and the Chinese are forced into working for hire. Out of her teeming millions it can be readily seen that the Empire of China can, if unrestrained, pour such hordes of her population in upon us as to completely exclude white labor from our soils.

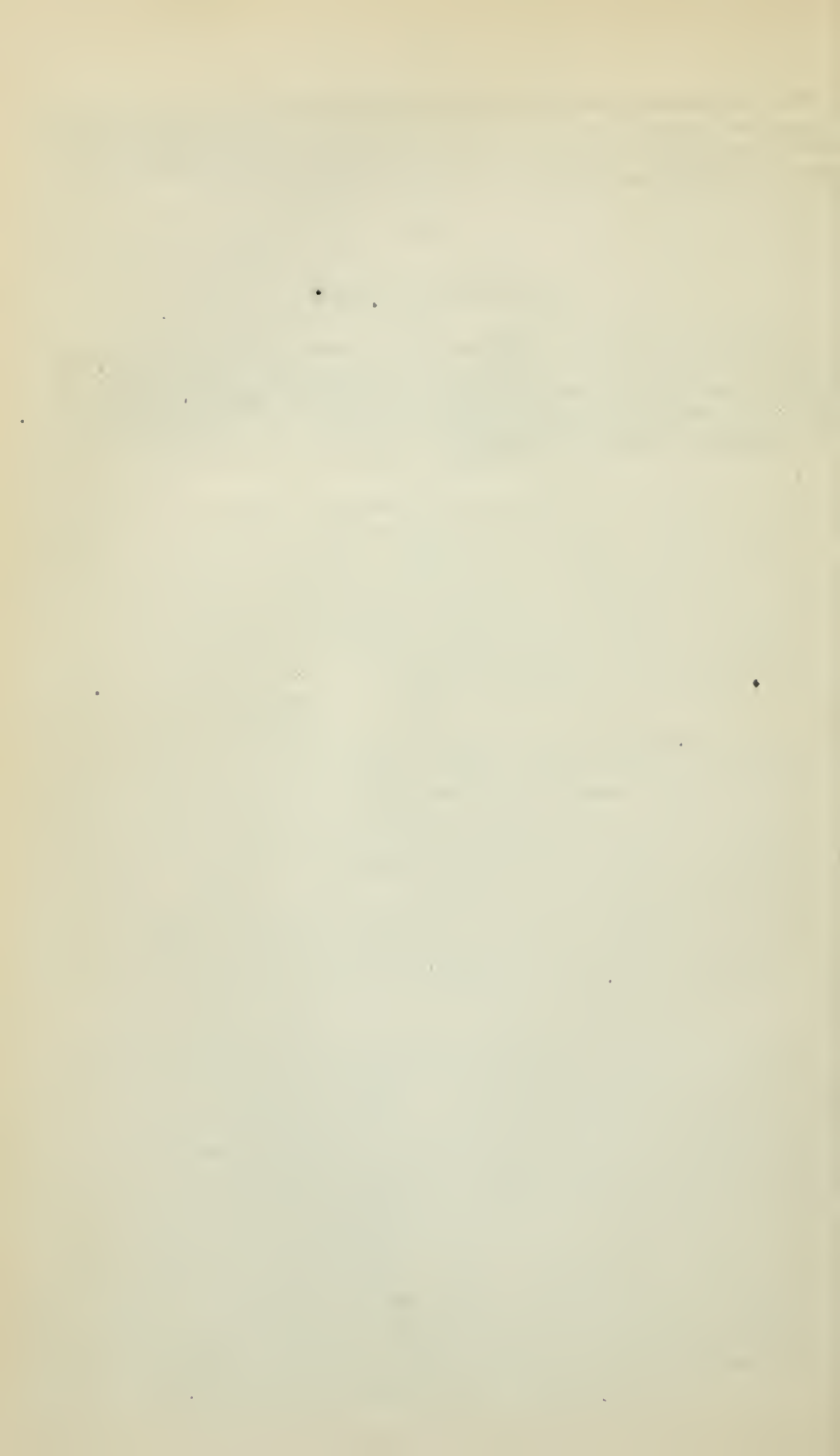
It is respectfully submitted to the wisdom of Congress whether the presence of a race on our soil with whom we have nothing in common, with whom we have not a single element of homogeneity, can be productive of any good to our people. Can a people who come among us, but become not of us—who have no interest in, and ask no acquaintance with, our political institutions or municipal laws—who merely labor for a stipend, which, being obtained, they scrupulously and invariably carry away—who are slaves in condition, Pagans in religion and semi-barbarous in habits—be of any genuine benefit to us or contribute in any manner to our wealth or dignity?

Such a people we have among us. We are compelled to afford them the protection of our laws. We are often called upon to shield them from outrage by the depraved and corrupt of our own race. We are compelled to open our Courts to their disgusting legal rites which we do not understand, and to listen to their testimony which we cannot believe. We claim that these things do us not good, but evil.

We therefore respectfully ask your honorable body to adopt such means and measures as will in your wisdom relieve us from the evils of which we complain and procure a suspension of the immigration to our State of the Chinese people.

JOINT RESOLUTION.

Resolved by the Senate, the Assembly concurring, That the foregoing memorial be adopted as the sense of this Legislature, and that His Excellency the Governor be requested to forward the same to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.







R E P O R T

OF THE

DIRECTORS OF THE STATE PRISON,

RECOMMENDING THE

PARDON OF CERTAIN CRIMINALS.

THE

REPORT OF THE

COMMISSIONER OF THE LAND OFFICE

D. W. GELWICKS, STATE PRINTER.

REPORT.

To the Honorable Legislature of the State of California :

The undersigned, Directors of the State Prison, under and by virtue of an Act of the Legislature approved March ninth, eighteen hundred and sixty-eight, entitled "An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison," after having given such attention to the matter as the brief time since the approval of the law would allow, have decided, upon the facts brought before us, to recommend the following persons, now confined in the State Prison, as proper subjects for Executive clemency :

First—George A. Ruffner, San Joaquin County; convicted of manslaughter in eighteen hundred and sixty-two; sentenced for ten years; conduct in Prison good. Pardon recommended by the Judge who tried him, four of the jurors and many citizens of San Joaquin.

Second—John Foran, Butte County; convicted of manslaughter; sentenced for fifteen years; has served four years; conduct in Prison good. Judge and District Attorney recommend his pardon; also Assisting Prosecuting Attorney and many other prominent citizens.

Third—E. Bullock, Sacramento County; convicted of murder in the second degree; has been in Prison about ten years; conduct while there has been good.

Fourth—John O'Grady, San Francisco; convicted of burglary and sentenced for seven years; his conduct has been good; has served about three years. His partner in the crime (said to be the principal) has been pardoned.

Fifth—Francisco Sanchez, San Mateo County; grand larceny; sentenced in July, eighteen hundred and sixty-six, for four years; his conduct in Prison good. The Judge, District Attorney, Sheriff, County Clerk and many others sign his petition.

Sixth—Octavius Cora, Alameda County; convicted of manslaughter in March, eighteen hundred and sixty-seven; sentenced for three years; he has behaved well and is in poor health.

Seventh—Abijah McCall, defaulting Treasurer of Santa Clara County; sentenced for two years; conduct has been good.

Eighth—Benjamin Carpenter, Santa Cruz County; sentenced for grand larceny in eighteen hundred and sixty-six, for three years; was intoxi-

cated at the time of taking the horse which he was charged with stealing, and when arrested was riding him in the pasture in which he belonged; pleaded guilty, against advice of his counsel; conduct good.

Ninth—J. A. Shotwell, San Francisco; sentenced for six years, for forgery; term expires in August, eighteen hundred and sixty-nine. The officers of the Prison say his conduct has been good and speak well of him.

Tenth—Patrick Whitestead, Alpine County; sentenced for arson in second degree, for three years; term expires November eighteen hundred and sixty-eight; conduct good. The County Judge, District Attorney and several jurors sign his petition and express doubts as to his guilt.

Eleventh—L. D. Gatewood, San Mateo County; convicted of murder in the second degree, and sentenced for fifteen years; term expires in eighteen hundred and seventy-six; his conduct has been good, and he has worked hard while in Prison. The District Attorney and many prominent citizens recommend his pardon.

Twelfth—Thomas M. Whitfield, Amador County, eighteen years of age; convicted of grand larceny; term expires September, eighteen hundred and sixty-eight; his conduct has been good in prison. Previous to this crime he had borne a good reputation.

Thirteenth—Victoriano Quinto, San Mateo County, convicted of murder in the second degree; has served seven years; conduct while in Prison has been good, and the officers regard him as harmless and inoffensive.

Fourteenth—Harvey Lee, sentenced for the term of two and a half years, for grand larceny; term expires in eighteen hundred and seventy; is suffering from disease of the lungs.

Fifteenth—Wm. Henry, Sacramento County; sentenced for assault to commit rape, for fourteen years; term expires in eighteen hundred and seventy-nine; is considered as nearly idiotic.

Sixteenth—Margaret Hibbard, San Francisco; is sick, and the Prison Physician thinks she should be released.

Seventeenth—L. P. Stone, Nevada County; sentenced for murder for the term of thirty years; has been in Prison about ten years. The officers of the Prison report him as having conducted himself well, and many citizens of Nevada and Sonoma Counties recommend his pardon upon the condition that he will leave the State.

Eighteenth—Samuel Hall, Sacramento County; sentenced for robbery for twenty years; conduct in Prison has been very good; has served more than half his term.

Nineteenth—J. B. Brown, Tulare County; sentenced for murder in October, eighteen hundred and sixty, for twenty years. The crime was committed while he was intoxicated; had previously been a quiet and peaceable man. Conduct in prison good. County Judge, District Judge and District Attorney recommend his pardon.

Twentieth—Elijah Pate, Tuolumne County; murder in the second degree, sentenced for ten years in eighteen hundred and sixty-one. The officers of the Prison speak well of him.

Twenty-first—Maurice Fitzgerald, Sacramento; grand larceny; crime committed while intoxicated; was sentenced for two years, has served over one, and has behaved well; has small children who need his care.

Twenty-second—H. H. Sturnberg, Tuolumne County; sentenced for murder in the second degree, July, eighteen hundred and fifty-seven, for

fifteen years; seems a simple hearted fellow; has made himself very useful in the hospital; conduct good; has served eleven years.

Twenty-third—Antonio Romirez, sentenced for fourteen years; has served twelve. Prison officers say he is a good man.

Twenty-fourth—James Falkenbery, Amador County; sentenced for robbery for four years; term expires in eighteen hundred and seventy-two.

Twenty-fifth—David Hyland, for murder, for ten years; has served eight and a half years; conduct in Prison has been good.

Twenty-sixth—Warren Mayers, Nevada; murder in the second degree; sentenced in eighteen hundred and sixty-one for ten years. Prison Physician recommends his pardon on account of ill health; has consumption.

Twenty-seventh—James Lawrence, Mariposa; sentenced in July, eighteen hundred and sixty-five, for grand larceny, for eight years; conduct in Prison good.

Twenty-eighth—S. C. Gardiner, San Francisco; sentenced for forgery, March, eighteen hundred and sixty-six, for three years; conduct good. Petitioners express doubt as to his guilt.

Twenty-ninth—Alexander Griffiths, San Francisco; sentenced for grand larceny, November, eighteen hundred and sixty-seven, for one year. Petition signed by District Attorney, jury, County Clerk and others. Doubt expressed as to his guilt.

Thirtieth—Frederick Liel, Fresno County; sentenced for perjury in February, eighteen hundred and sixty-five, for eleven years; conduct in Prison has been good; has served three years. The petition is signed by the County Judge, District Attorney and many others, who state that he had previously borne a good character, and believe that he was controlled and led astray by the person in whose behalf he testified.

Thirty-first—John Sinclair, San Joaquin County; sentenced March, eighteen hundred and sixty-six, for robbery, for three years; has served one year; said to have been only fifteen years of age when the crime was committed; conduct in Prison good. County Judge and others recommended his pardon.

Thirty-second—Jos. A. Oliver, Merced County; sentenced for murder in the second degree in September, eighteen hundred and sixty-two, for thirty years; has served nearly six years; crime committed while under great mental excitement. Judge Burke, who sentenced him, thinks he has been punished sufficiently and recommends his pardon.

Thirty-third—Hero J. Dalton; has been in Prison about seven years; his father, a very old man, states that when young the prisoner was injured on the head and his intellect impaired thereby. If he will leave the State and return to his father, think it well to pardon him.

All of which is respectfully submitted.

WILLIAM HOLDEN, Lieutenant-Governor,
H. L. NICHOLS, Secretary of State,

Ex officio State Prison Directors.



REPORT

OF THE

Senate Committee on Mileage

IN RELATION TO

ADDITIONAL ALLOWANCES.

D. W. GELWICKS, STATE PRINTER.

REPORT.

MR. PRESIDENT: Your Committee on Mileage, to whom was referred Senate resolution relative to allowing the members of the Senate Hospital Committee the sum of thirty dollars each, additional to the amount heretofore allowed them as mileage, on account of "error" in the former report of your Committee relative thereto, have had the same under consideration and beg leave to report as follows:

By the former report of your Committee, referred to in the resolution, the Hospital Committee members were each allowed mileage as follows:

Distance.	Amount.
For visiting Industrial School, eight miles beyond San Francisco, two hundred and fifty miles (going and returning), at twenty cents per mile.....	\$50 00
For visiting State Reform School, eight miles beyond Marysville, one hundred and sixteen miles (going and returning), at twenty cents per mile.....	23 20
For visiting Insane Asylum at Stockton, ninety miles (going and returning), at twenty cents per mile.....	\$18 00
Total.....	\$91 20

In accordance with the former report, which has been allowed to each member of the Hospital Committee, the same being the exact mileage allowed by law.

But since the Hospital Committee visited the Insane Asylum at Stockton—going and returning thence from San Francisco, instead of from the seat of government—they claim the additional mileage by reason of having travelled such route.

The law fixes the distance from San Francisco to Stockton at one hundred and seventeen miles; making a total, going and returning, of two hundred and thirty-four miles thus travelled by the Committee, which,

at twenty cents per mile, would amount to forty-six dollars and eighty cents; but as mileage has already been allowed them for visiting Stockton, for the sum of eighteen dollars—the same being for the distance fixed by law—this latter amount should be deducted from the forty-six dollars and eighty cents, leaving the sum of twenty-eight dollars and eighty cents as the balance due each member of the Committee, if the Senate concludes that the Committee should be allowed mileage for the distance actually travelled, instead of the legal distances fixed by law.

The Senate having already established such a rule, your Committee recommend the adoption of the following resolution :

Resolved, That Messrs. Teegarden, Maclay, Perley, Johnson and McDougall be each allowed for mileage the sum of twenty-eight dollars and eighty cents, payable out of the Contingent Fund of the Senate, and that the State Controller draw his warrant therefor upon the State Treasurer, and that the Treasurer pay the same.

HEACOCK, Chairman

REPORT

OF THE

ASSEMBLY JUDICIARY COMMITTEE

IN RELATION TO

GRAND JURIES.

D. W. GELWICKS.....STATE PRINTER

REPORT.

Mr. SPEAKER: The Committee on the Judiciary, to whom was referred Assembly Bills Nos. 145, 146 and 147, relating to Grand Juries, have had the same under advisement, and, of that Committee, the undersigned respectfully report:

The subject is of grave importance to the interests of our people, and worthy of calm and careful consideration. It is proposed by these bills to reduce the number constituting a Grand Jury from twenty-three to five, and thus relieve the taxpayers of the several counties that pay their jurors from large impositions to defray the expenses of this institution, and in counties where no such payments are made, relieve large numbers of those citizens qualified under the law from the individual burden in loss of time and expenses in the rendition of this service. It is also proposed by these bills to require the inquest, when taking jurisdiction of a complaint, to examine, as far as lies within their knowledge, all of the testimony bearing upon the question, and thus enable themselves to judge more correctly of the merits of the accusation, instead of being, as now, mainly confined to ex parte testimony; thus avoiding, as far as possible, the too common error of indicting innocent parties on biased or unexplained testimony, and thereby attaching a stigma for life that even an honorable acquittal by the trial jury, when all the testimony is adduced, will not entirely remove.

The objects desired to be obtained are extremely meritorious and should receive the sanction of the Legislature, if there are no constitutional objections in the way.

The undersigned, of your Committee, are aware that upon the presentation of these bills to this House they elicited much discussion in the public journals, they taking, very generally, the position that the institution of Grand Juries was of common law origin, and that the Constitution of the United States, in using the term "Grand Juries," in Article fifth, of amendments, ratified December 15th, seventeen hundred and ninety-one, had reference to the common law signification of the term, and by that interpretation a jury of inquest consisting of not less than twelve was intended. This idea, we believe, is entertained by some of the members of this Committee, whose opinions are entitled to high consideration.

While we recognize the fact that the generally conceived opinion accords with that position, we believe it arises from a too common error of confounding the trial or petit juries with the Grand Jury system. The petit or ordinary jury, as it is termed by the old writers, it is true, was of common law origin, not having been established by any written law or Parliamentary enactment, but arising in custom of a date when "the memory of man runneth not to the contrary." The Grand Jury, or extraordinary jury, as it was there termed, organized for the purpose of making inquiry as to offenses, was established by edict of King Ethelred, but of the precise character of its composition or numbers nothing further is said than that by "common law all jurors must possess a freehold estate in the realm." Afterward King Richard I organized a Grand Jury under an entirely different system—choosing four knights from the county at large, who chose two more of every hundred, which two associated to themselves ten other principal freemen of their hundred, and these twelve were to answer for the term for which they were selected, of all matters relating to their district. The jury thus obtained, as the country became more populous, was found too large and inconvenient, and the number and the method of selection was changed from time to time, as the necessities of the case required, by special enactment, thus destroying its common law character or claim, if any ever attached.

One thing is noticeable in the whole history of this branch of the Government, that during all of this time none were allowed to sit on this jury except those possessed of a freehold estate, and the villenage were not entitled to its benefits.

After the successful issue of the Revolution the Colonies formed themselves into a Confederation, and finally adopted the Constitution of the United States; but in neither the Articles of Confederation or the Constitution was there any clause touching Grand Juries or requiring their inquisition and presentment or indictment before a person charged with an offense could be held to answer; but the whole subject was left to the several States, and their enactments bore no uniformity of rule as to numbers.

From this, we conclude that upon the adoption of the amendment referred to, in December, seventeen hundred and ninety-one, the term "Grand Jury" had, in all of the States of the Union, a legal statutory signification, meaning "a number of the body of the county selected to make inquiry as to crimes committed within their jurisdiction, and make presentment or indictment," leaving the number to constitute that jury of inquest a subject of special legislation by the States severally, within their jurisdiction, or of the United States within its authority.

This seems to have been the received interpretation of the words throughout the Union, as we find a different number required in the different States, but in every instance greater than that first established under the old Saxon laws; and here it may well be asked if they can increase the number, cannot they as well diminish, as convenience or experience might suggest.

One other proposition might be urged, and that is: If the term, as used in the Constitution, should be required to be construed as of common law signification, limiting the number, with equal force it might be urged that we have no right to change or prescribe the qualifications, they being as necessarily an incident to the jury, as defined by common law, as the number.

To prove more conclusively that our view of this subject accords with

the views of statesmen and jurists of olden time, we may contrast the laws guarding the common law right of trial by a jury of twelve of the peers of the accused.

As before stated, the petit or ordinary jury was of common law origin, some writers accrediting the system to the old Saxon, and others to the Greeks; but all agree in the requirement of the unanimous concurrence of the twelve peers to find a verdict of guilty.

So jealous were the citizens of Great Britain of this right of trial by jury that a clause was incorporated in *Magna Charta* forever guaranteeing that right; and, finally, upon the adoption of the Constitution of the United States a like clause was inserted in Article Three, Section Two, but not a word in relation to Grand Juries.

In the United States, then, from the adoption of the Constitution until its amendment in seventeen hundred and ninety-one, the intervention of a Grand Jury was not required, except as required by the Constitution and laws of the several States; whereas the right of trial by a petit jury was held inviolate.

Our inference, as deduced from the above, is, that it is in the power of the Legislature of the State to fix the number of grand jurors to make presentment and indictment and prescribe their qualifications and mode of procedure; and in this the authority differs from that over petit juries, as the source from whence the separate institutions are derived.

We recommend the amendment of Bill No. 147, section three, by substituting for section three as follows:

SECTION 3. Section two hundred and eleven of said Act is amended so as to read as follows:

Section 211. The Grand Jury shall hear all evidence for the defendant that may be furnished them, or that is within their knowledge or control; and for that purpose they may require the District Attorney to issue process for such evidence, and they shall weigh carefully all the testimony submitted to them and make their finding in accordance therewith."

We recommend the passage of the several bills as so amended.

STEELE,
PAPY,
BUCKBEE,
MOORE,
DWINELLE,
COMTE,
HAYES,
CURETON.

MINORITY REPORT

OF THE

COMMITTEE ON CLAIMS

IN RELATION TO THE

PETITION OF THOMAS THOMPSON.

D. W. GELWICKS, STATE PRINTER.

R E P O R T .

Mr. SPEAKER: The undersigned, being a minority of the Committee on Claims, to whom was referred the petition of Thomas Thompson, praying relief in regard to certain school land warrants, respectfully submit the following minority report:

The following particulars embrace all the facts material to the subject referred to your Committee:

First—On the fourth day of September, A. D. eighteen hundred and forty-one, an Act passed Congress entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights." The eighth section of this Act granted to each new State five hundred thousand acres of land for internal improvement purposes. The grant was made *in presenti*, but by the said eighth section it was provided that the locations or selections could only be made after the lands of the United States in said States respectively shall have been surveyed according to existing laws.

Second—On the third day of May, A. D. eighteen hundred and fifty-two, an Act was passed by the Legislature of the State of California to provide for the disposal of the five hundred thousand acres of land granted to this State by the said Act of Congress of the fourth of September, eighteen hundred and forty-one.

This Act—sections one to three inclusive—provided for the issue and sale of land warrants. Sections three to eight, inclusive, provided for the location of such warrants on the unsurveyed lands of the United States. The Legislature misinterpreted the said eighth section of the Act of Congress, before referred to, making the grant, and made a pledge which the State has never been able to redeem.

The warrants held by Thompson were issued and sold under the provisions of this Act. The State received the money for them, to wit: Nine hundred and sixty dollars, on or about the seventh day of June, eighteen hundred and fifty-two (see Statutes of California, eighteen hundred and sixty-one, pages forty-one and forty-two)—which sum of money has been held by the State ever since, directing the interest thereon to school purposes, as was provided for in section nine of said Act.

Third—On or about the twelfth day of October, A. D. eighteen hundred and fifty-two, Thompson having purchased the warrants now held by him, and relying in good faith on the Act of the Legislature, above referred to, located them on the following lands in Santa Clara County, in this State, to wit: The southwest quarter of Section Thirty-four and the southeast quarter of Section Thirty-three, in Township Six south, Range One west, of the Monte Diablo meridian; and the northwest quarter of Section Three, in Township Seven south, Range One west, of same meridian. Said lands so located by Thompson he had before purchased of settlers their rights thereto. But as such lands were unsurveyed lands of the United States, the locations were of no value to the said Thompson, being in violation of the Act of Congress before cited, as was decided by the Supreme Court of this State in the case of Terry vs. Megerle (Twenty-fourth Volume California Reports, Page six hundred and nine).

Fourth—The land warrants located on lands in Township Number Six south, Range One west, of the Monte Diablo meridian, as hereinbefore stated, are of no benefit, as said township was not surveyed until some time in the year eighteen hundred and sixty-six; and long before that time pre-emptors had located thereon and obtained pre-emption rights thereto under the sixth section of the Act of Congress of March third, eighteen hundred and fifty-three, entitled "An Act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," which granted pre-emption rights on unsurveyed lands. Thus Thompson lost not only his warrants, but the lands on which they were located, by relying on the promise of the State to protect him.

Fifth—On the thirty-first day of March, A. D. eighteen hundred and sixty-six, an Act was passed by the Legislature of the State of California entitled "An Act to incorporate the Town of Santa Clara." (See Statutes of 1865-6, page 495.) The first section of this Act defines the boundaries of the Town of Santa Clara, and said boundary includes the homestead of Thompson, to wit: The northwest quarter of Section Three, in Township Seven south, Range One west, of the Monte Diablo meridian, on which warrants eighty-four and eighty-five, held by Thompson, had been located.

Sixth—On the twenty-third day of July, A. D. eighteen hundred and sixty-six, an Act passed Congress entitled "An Act to quiet land titles in the State of California," which said Act was passed at the solicitation of this State, in order to protect the citizens of this State who had located relying on her laws. The said Act of Congress, however, was of no avail to Thompson, as the first section thereof provided that the confirmations of State selections on unsurveyed lands should not apply to any lands included in any town or village at that date, nor to any lands to which a pre-emption right had at that date attached. This deprived Thompson of any benefit, as one tract of one hundred and sixty acres was in the corporate limits of Santa Clara, and pre-emptions had attached to the remainder under the laws before referred to.

From the foregoing laws, decisions and facts, we are of the opinion that the application of Thompson is just and reasonable. Placing confidence in the laws of this State, he has lost the nine hundred and sixty dollars paid for the warrants, with the interest thereon for about fifteen years, and expenses attending his locations. In addition he has paid the State taxes for six years on the amount of his investment, to wit:

on nine hundred and sixty dollars; and worse than that, has lost land worth at least thirty thousand dollars, which he might otherwise have held or sold, as he purchased the settlers' rights before locating these ill-fated warrants.

He has waited on the State for fifteen years, hoping that she would redeem her pledges or give him just return for his money, and has waited in vain. It is now settled, as appears from the foregoing, that the State can never redeem her pledge—the land has been lost to him. He is old and worn out with waiting. He now offers to give back to the State her warrants, if she will give him but a part of what she has wrongfully obtained from him. Should the State turn a deaf ear and add insult to injury? No one can doubt the justness of Thompson's demand.

The State cannot be injured in granting it, as she has obtained from him, for nothing, more than he asks in return. If this was a case between private individuals, all would unite in condemnation of the citizen who would under such circumstances refuse to make his trusting neighbor whole. Can the State act unjustly, merely because she has the power, and escape the censure of all right thinking men?

The demand of Thompson we deem just and equitable. Principle and policy alike demand that he should have the relief he seeks. We therefore recommend the passage of a law so framed as to secure to Thompson the said relief.

JOHN H. MOORE.

R E P O R T

OF

Assembly Special Committee

ON THE ADOPTION OF A

UNIFORM SYSTEM OF FEES

FOR ALL THE

COUNTIES OF THE STATE.

D. W. GELWICKS.....STATE PRINTER.

REPORT.

MR. SPEAKER :—The special committee to whom was referred the resolution to inquire into the expediency of reporting a bill to regulate (and so far as practicable) to equalize the salaries of the several county officers, to fix salaries in counties in which salaries should be substituted for fees, to examine the propriety of consolidating such offices as may be united with benefit to the public, and to report a fee bill which shall, as far as practicable, apply equally to the different counties, have investigated that branch of the resolution which points to the adoption of a uniform system of fees for all the counties of the State; and after a patient examination and discussion of the special legislation on this topic, and the incongruous and contradictory statutes in force, have framed a fee bill which they believe may be adopted for all the counties without leaving any foundation for just complaint, and which would result in great benefit to the State at large.

For a long time, as your committee believe, the fees of public offices have been disproportioned to the services rendered; and making ample allowance for capacity, integrity, and responsibility which accompany official incumbency, the reward for public labor has been at least as great as the same integrity and responsibility, or rather the persons who possess them, have enjoyed in the private walks of life. There is no reason for this difference. At the time of the organization of the State government, the fees allowed, graduated by the high price paid for labor and the inflated value set on all the necessities and luxuries of life, were from four to six times as great as the rewards given for the same services in the States east of the Rocky Mountains. With the revolution of years the expense of subsistence has fallen to such a degree as to make dwelling in this State nearly if not altogether as cheap as that of the Eastern States. But there has been no corresponding decline in the fees of office. While in some of the counties they have been greatly reduced, in many they remain to a great extent at the rates of eighteen hundred and fifty. The result is that larger emoluments are obtained from office than from any other occupation. This is not just to the litigant and the taxpayer, and makes the administration of justice uncertain and oppressive.

On this question the advantage lies on the side of the incumbent. The will of the people is apt to be disappointed. As is well known, the official as a politician is likely to have undue influence with the legislator,

and being immediately interested in the maintenance of the present system, any ill directed attempts of those who demand, *and justly* demand, reform and retrenchment, are frustrated.

The system of fees, as now enforced, admits of great reform, and to refuse it would be not only to disappoint and betray the just expectations of the constituent, but to violate the pledges everywhere given by both the political parties of the State. To nothing are both parties more solemnly committed, in nothing are the people more clamorously united, and by nothing could a greater or more direct benefit be conferred. The facilities afforded for intercommunication between the different localities of the State has so nearly equalized the price of living that no solid objection on this ground exists against the establishment of a system to be uniformly enforced. At present, with very few exceptions, each county has its local system adopted without any reference to other counties, giving to one class of officers a greater and to another a less rate of fees than the officers in contiguous counties receive, although in all respects similarly situated. A great deal of the time of legislation is spent in remodelling and readjusting the county systems. At one session, (say eighteen hundred and sixty-three,) the rates of fees are changed; at the next, the change is abandoned, and the following session the fees of eighteen hundred and sixty-three are re-enacted.

The statutes show that there are, at each recurring session of the Legislature, in many of the counties, amendments to the law on this subject, and the anomaly is presented that oftentimes the fee system of eighteen hundred and fifty-five, which at that period was fifty per cent. too high, is adopted for the present time. This irregularity is not found to exist between the mountain counties on the one side and the agricultural on the other, but as great differences prevail between the fee bills of El Dorado and Siskiyou and those of Los Angeles and Alameda, as between those of Humboldt and Santa Clara. In some counties, for certain services, eight times as much compensation is allowed as in others, and three and four times as much is not unusual, although the committee have utterly failed to discover why such discrepancies should exist. The want of a general system has enabled interested parties to effect changes to favor their own views, and so long as all the counties shall not be concerned to preserve such uniformity, statutes to benefit the officer rather than protect the taxpayer will be enacted.

In adjusting a scale of prices for official services, the committee have not omitted to examine the fee systems of other States, and notwithstanding they propose a reduction in *all*, and a marked reduction in *some* of the counties, the remuneration for public services is fixed at least thirty per cent. above the rates elsewhere assigned for like services, not taking into account the difference between currency and gold and silver.

It cannot be denied that the great struggle for office in California is encouraged by the generous returns which rewards success. The evil results flowing from this are quite obvious. The expenditure of large sums of money, and the resort to corrupt appliances are inevitable consequences. Such a condition of society not only thrusts aside the popular will, and taxes the returns of labor and capital unnecessarily, but it poisons the very foundations of the body politic.

When aspirants to office feel warranted in spending thousands of dollars to procure a nomination or an election, legislation should be interposed to correct the evil, and the emoluments of office should be so adjusted as to preserve a just balance between the labor to be performed and its reward.

The committee, in this investigation, have kept in view that the offices have been created by the people for their common benefit, and that they have a right to have them administered on such economical terms as they may prescribe.

They are satisfied that the people demand retrenchment, and that the time has arrived and the opportunity is present to effect it.

While the committee has no inclination to pinch official incumbency or to make the offices mean, they remember that every dollar injudiciously or unnecessarily lavished upon the discharge of official duties, is a burden and oppression to the community. It is a matter of notoriety that the excessive fees allowed public offices serves as a bar many times to the assertion of just rights, and that persons prefer to abandon demands rather than encounter the perils and exactions of the law and its functionaries.

The assertion will no doubt be repeated, as it has been heretofore, that any reduction in the fees of office will result in incompetency and inefficiency, but the committee anticipate no such result. On the contrary, they believe the effect will be to secure a better class of officers—men of greater probity and merit, and of not less capacity and respectability. Experience, indeed, has already taught, in those counties where reductions have been made, that aspirants are not wanting, and that none struggle more earnestly for place than those who have held it. On this behalf the committee have discarded all anxiety, and feel assured that should the fee bill they propose for adoption meet with the sanction of the Legislature, any change made in it afterwards would be to diminish, not to increase the fees.

The committee are now engaged in the investigation of the other branch of inquiry—that of salaries, and expect at an early day to be able to report a system which, while it will not diminish efficiency in office, will be productive of great good to the people of the State.

The committee recommend the passage of the bill herewith reported.

ANGNEY,
CHURCH,
DAVIES,
WILLETS,

Committee.



MESSAGE OF THE GOVERNOR

IN RELATION TO

ASSEMBLY BILL No. 33,

GRANTING A

WAGON ROAD FRANCHISE.

D. W. GELWICKS.....STATE PRINTER.

VETO MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 4th, 1868. }

To the Assembly of the State of California :

I herewith return to your honorable body, without my approval, Assembly Bill No. 33—An Act granting parties therein named the right to construct a wagon road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, and collect tolls thereon.

Every legitimate object sought to be attained by this bill can be accomplished by an incorporation under the general law providing for the incorporation of wagon road companies, to be found on page one hundred and forty-six of Hittell's Digest, volume first. The argument against legislation of this character is so well summed up in a report recently made by the Senate Judiciary Committee that it is hardly necessary to repeat it here. Special Acts granting franchises rarely contain those salutary provisions embodied in general laws, which are needed to protect the public from imposition. They are framed in the interest of the grantees, passed often as local measures without reading or examination, are against public policy and in violation of the spirit of our Constitution, if not of its letter.

Our Constitution prohibits the creation of corporations by special Act. This bill requires the grantees to incorporate under the general law, but grants them special privileges. What substantial difference there is between this and a special charter it would be impossible to discover. Every evil which results from special incorporations will result from legislation of this character; it is corrupting in its influence, and as objectionable in every respect as special charters would be. This bill is in violation of the Constitution, for a special reason: the Constitution requires all laws of a general nature to have a uniform operation. This bill requires the grantees to incorporate under the Wagon Road Law, and then authorizes them when so incorporated to condemn private property under the provisions of the law relating to railroad corporations. The result is that we would have most of the wagon road companies in the State proceeding in the County Court under the provisions relating to wagon roads, while this particular wagon road corporation, after subjecting itself to the same provisions, would be authorized to

proceed, in either the County Court or District Court, under the provisions relating to railroads. If such legislation is not inhibited by the constitutional provisions referred to, it is difficult to discover any utility in those provisions.

The general law authorizes the Board of Supervisors to fix the rate of tolls from year to year. This bill provides that the Board of Supervisors may fix the rates once, with the proviso that they shall not be fixed so as to produce less than twelve nor more than twenty-four per cent. per annum on the capital stock, not on the cost of the road. Under this provision the power given to the Board is an empty form and might as well be withheld, for a corporation can easily dispose of a large surplus over twenty-four per cent. per annum by high salaries and other means, and the "capital stock" might be fixed at twenty times the cost of construction.

I respectfully submit to the judgment of your honorable body that when there is a general law in force covering the object aimed at, special franchises of this character ought not to be granted. A reference to Hittell's Digest, Articles eight hundred and ninety-four to nine hundred and thirty-one, will show how fully the legitimate objects of these corporations are provided for by general laws.

H. H. HAIGHT, Governor.

RESOLUTIONS

IN RELATION TO THE

COMPILATION OF COUNTY STATISTICS.

D. W. GELWICKS, STATE PRINTER.

RESOLUTIONS.

Resolved, That a special Committee of five be appointed, who are hereby instructed to compile with all reasonable dispatch, from reliable sources, the following data for the use of the Assembly :

First—A statement of the amount of the debts of the several counties of the State of California, showing what part thereof, if any, is funded, and what part is not funded ; the time when said funded debt, if any, is payable, and the rate of interest paid on such debts ; the whole amount of taxes now levied therein for county purposes ; the whole assessed value of the real and personal property therein ; the number of inhabitants therein, exclusive of Indians and Chinese, and the number of registered voters.

Second—The amount of the debts of the several incorporated towns and cities of the State, showing whether the same is funded or otherwise ; the rate of interest paid on such debt, and the whole amount and character of the taxes levied for municipal purposes. Also, the amount paid to the officers of such town or city government, as salaries, to each officer respectively, and the estimated amount received by other officers, severally, in the way of fees, etc.

Third—The amount of salary paid to each County Judge and District Attorney in the State ; and if other officers are salaried, the several amounts of salaries so paid ; and an estimate of the amount of fees and percentages received by the several county officers in the several counties of the State, from all sources.

Fourth—A list of State officers, exclusive of members and attachés of the Legislature, and a statement of salaries received respectively by such officers ; and a list of officers, exclusive of Notaries Public, appointed by the Governor, showing the amount of fees respectively received by each.

REPORT

FROM THE

JUDICIARY COMMITTEE

IN RELATION TO

ASSEMBLY BILL No. 216.

D. W. GELWICKS.....STATE PRINTER

REPORT

MR. SPEAKER: The undersigned, members of the Judiciary Committee, do not concur in the recommendation of the majority, that Assembly Bill No. 216 do not pass.

In coming to our conclusions, adverse to the majority of the Committee, we are governed by the following reasons:

First—That the wording of section eight is equivocal in its literal sense, but that it must be construed to mean no more than the Legislative power had the right to grant, and consequently no vested rights could attach to any grant beyond that power.

Second—The Act authorizes the voters of Sacramento City, by a majority, to legislate a certain portion of the State tax or State funds into the Treasury of Sacramento City, to be used by them in purchasing railroad stock and paying interest on their bonds, if the Act be literally construed.

Third—This right of appropriation of the State's funds to another body of men we conceive could not be delegated, and consequently, if the statute should be so rendered, it is unconstitutional. We are of the opinion that the term and legal rendition of section eight of the Act referred to, taken in connection with the preceding sections, would limit the signification of the general words "all taxes" to the taxes previously referred to for providing a sinking fund and the taxes due the City and County of Sacramento, which they had an undoubted right to authorize to be done; and, inasmuch as the language in that particular section is obscure, that it is within the province of the Legislature to so amend it as to render it intelligible and of undoubted construction, not in the least affecting any rights that could attach under the law within the authority to vest the right.

We recommend the passage of the bill.

E. STEELE,
JOHN H. MOORE.

COMMUNICATION

FROM THE

Mechanics' State Council of California

IN RELATION TO

CHINESE IMMIGRATION.

D. W. GELWICKS, STATE PRINTER.

COMMUNICATION.

MECHANICS' STATE COUNCIL OF CALIFORNIA, }
San Francisco, March 12th, 1868. }

To the Honorable the Legislature of the State of California :

GENTLEMEN : At a meeting of the "Mechanics' State Council," held March eleventh, eighteen hundred and sixty-eight, the following resolution was unanimously adopted :

Resolved, That the Mechanics' State Council do unanimously indorse the memorial of the "Central State Council of the Anti-Coolie Association of California," and respectfully request the Legislature of the State to take action on the subject of said memorial.

Attest :

CHARLES TERRILL,
Corresponding Secretary.

ANTI-COOLIE. MEMORIAL.

The memorial of the Central State Council of the Anti-Coolie Association respectfully sheweth :

That the continued immigration to the Pacific coast of vast numbers of Chinese is a serious evil, injurious to the present well being of California, an injustice to the white working classes, and, if continued, will prove disastrous to the future greatness and prosperity of the entire Pacific slope.

That at the present time many of our mechanics and laborers heretofore employed on land and in the (daily increasing) steam navigation to and from the port of San Francisco, have been discharged from their work to give place to Chinamen.

That thousands of young men and girls, from fourteen to twenty-one years of age, are unable to find employment in our manufactories and industrial pursuits in consequence of the extensive use of Chinese labor. Our young women are compelled to work at starvation prices, and are

degraded by association with Chinamen in the workshops during their hours of labor.

That the children of our working classes—the real wealth of the nation—are daily set aside to give place to the Mongolian, till already distress and destitution, the result of want of employment for the young, are producing all the concomitant ills and vices ever consequent to such a state of affairs, and must ultimately fill California with a reckless and lawless population, and inevitably produce a conflict of races too fearful to contemplate.

That large numbers of Chinawomen infest our cities for the vilest purposes, and are a source of pollution to the large rising generation of young men—a plague spot in our midst—the direful effects of which will be transmitted to future generations.

That our mines are being worked out by the Chinese and their wealth exported to China, with no adequate return to our commonwealth and to the injury of our own people and the numerous intelligent white immigrants who have adopted our country.

That agricultural and horticultural pursuits, public works, manufactures and every avenue of labor are fast passing into the hands of the barbarian hordes of China. Immigration from the Eastern States and from Europe, on which the future development of the vast resources of California so mainly depends, is already impaired, and will, in time, be completely suspended; while many other evils, too well known but too numerous to mention in this memorial, attend the influx of Chinese to our coast.

That whatever present benefit may be derived from the employment of Chinese, as a cheap system of labor, is chiefly confined to a few capitalists—any real advantage in the State being neutralized by the system of peonage under which they are introduced; the drain they are upon the country; the number of desirable citizens they displace, and the number of free immigrants who would become citizens that they keep from our shores.

That during the last twelve months an organization known as the "Anti-Coolie Association" has existed in California, having for its object, as its name would indicate, the protection of white labor from annihilation by the millions of Asia; and public opinion, roused by the injuries and indignities heaped on our working classes by the introduction of Chinese into every branch of labor, culminated in the alteration of the entire aspect of politics on this coast and the defeat of the Republican party at the late general elections.

That a Central State Council, composed of members from various parts of California, was intrusted with the important duty of watching the interest of this entire organization during the sessions of the present Legislature, and of using every constitutional means in their power to avert the present and daily increasing evil.

That such Central State Council, being aware that the only remedy lies in Congress, deem it their imperative duty to urge upon the Honorable the Senate and the Assembly of California the necessity of taking all steps in their power, as legislators, to restrain the influx of Chinese, and respectfully pray that they will jointly memorialize Congress, requesting on behalf of the people of California such judicious restrictions on Chinese immigration as shall permanently secure their present and future welfare, and relieve them from the imminent peril which assails and threatens them, and though indirectly, yet not less surely, the entire American population.

MEMORIAL

OF THE

OFFICERS AND TRUSTEES

OF THE

CALIFORNIA PRISON COMMISSION.

D. W. GELWICKS.....STATE PRINTER.

MEMORIAL.

To the Honorable Senate and Assembly of the State of California :

The undersigned, officers and Trustees of the California Prison Commission, would respectfully represent :

The Association named has been in existence for a little more than two years, having for its object, according to Article second of the Constitution, the amelioration of the condition of prisoners, whether detained for trial or as witnesses, or finally convicted; the improvement of prisons and prison discipline; the government of prisons, whether for cities, or counties or the State; the aid and encouragement of discharged prisoners, whenever such aid and encouragement seems hopeful and wise. Our aims are identical with the general interests of the State. We seek to meet the discharged prisoner at the threshold of his prison house, just as he is entering the world again to begin life anew, and by words of kindness and of counsel, and the use of such other means as lie at our command, endeavor to guide the current of that life into the channels of respectability and happiness. We strive to induce and to help him to become a useful citizen, instead of a public burden and expense. The result of our labors for two years in this direction is such as to give us abundant encouragement to persevere in our efforts. Our last annual report, a copy of which was placed in the hands of each member of your joint body, we think, gives ample evidence of this.

Our Association is also a bureau for the collection of information on prison matters in general. We are in correspondence with Associations of the same character with our own in the East, and with persons who make the subject of penalogy a special study. From these we receive whatever reports or books that are written upon the subject; and by observation concerning our own prison system, as shown in the different penal institutions of the State, we design to obtain, and from time to time to present, such facts and suggestions as will aid in the formation of correct ideas with regard to it. We propose, if authorized by the Legislature so to do, and if the means to defray the expense can be obtained, to make a thorough examination of our prison system by personal visitation and inspection of the jails and prisons of the State, and to make a full report of the result to the Legislature at its next session. But we can do nothing without money, and a sufficiency of this we find it difficult to procure. It has been only by the practice of the most

rigid economy that we have been able to maintain our organization and work till the present time, and now we find ourselves in debt to the amount of a thousand dollars, with the indebtedness constantly increasing. As the money which we expend is really for the benefit, financially as well as morally, of the entire State, we are constrained to ask you to aid us by an appropriation from the public treasury. The amount which we ask of you at this time is five thousand dollars, which, in consideration of the importance of our work and the urgency of the case, we cannot think you will refuse to bestow, and for which if received we shall feel truly and profoundly grateful.

Respectfully,

ALPHEUS BULL,
Vice President.

JAS. WOODWORTH,
Secretary.

NATHANIEL GRAY,
W. T. ANDREWS,
M. J. O'CONNOR,
ROBT. B. SWAIN,
GEO. W. DAM,
J. W. H. CAMPBELL,
JAMES LINFORTH,
L. B. BENCHLEY,
ANNIS MERRILL,
D. N. HAWLEY,
WILLIAM ALVORD,

San Francisco, February, 18th, 1868.

MINORITY REPORT

OF THE

JUDICIARY COMMITTEE

IN RELATION TO

SAN FRANCISCO "OUTSIDE LANDS."

D. W. GELWICKS, STATE PRINTER.

REPORT.

Mr. SPEAKER: The various bills referred to the Judiciary Committee, with the arguments and suggestions of counsel representing the respective parties, have been attentively considered by the undersigned, a member of the Committee, without convincing him that any one of the bills, as a whole, is adapted to the ends which he supposes the Legislature would have in view, in providing for the execution of that trust which the decisions of the Courts of the United States, as well as of our own State, have uniformly declared to attach to the lands held by the City of San Francisco.

Bill No. 223 (introduced by Mr. Middleton), seeking to protect the old settlers (on payment of certain arrears of taxes), might easily also convert mere trespass into a right, to the exclusion of the rest of the inhabitants.

On the other hand, too little liberality is shown for those who went upon the lands, many years ago, when the title between the city and the United States was in dispute, and then made substantial improvements.

At the lowest estimate, these "Outside Lands" contain nearly eight thousand acres—of which, perhaps, three thousand would be required for streets, parks, and other municipal purposes, leaving about five thousand acres for distribution in small city lots, sufficient to furnish dwellings, stores, shops, etc., for several thousand persons. Sometimes (by a misnomer) this tract is called "commons"—without pasturage, as it is, and ill adapted for cultivation; indeed, for the most part, a waste of sandhills, and always so.

The number of those who have made valuable improvements has not been ascertained by the Committee. Some are said to claim one hundred, others as much as one thousand acres, merely fenced; while a petition purporting to be signed by nearly five thousand persons, asking for partition in small lots, for homesteads, has been presented to the Legislature.

The undersigned believes that the petitioners deserve attention, and that the policy prayed for by them is in the true spirit of this trust, and entirely within the power and duties of the Legislature, with modifications to suit the real circumstances of the case. If it were, in his opinion, unfavorable to the prosperity of the great metropolis, he should hesitate to recommend it.

A degree of confusion seems to exist as to the operation of the Act of Congress of March, eighteen hundred and sixty-six, the material points of which, so far as concerns the present subject, are as follows :

“That all the right and title of the United States to the lands situated within the corporate limits of the City of San Francisco, in the State of California, confirmed to the City of San Francisco by the decree of the Circuit Court of the United States for the Northern District of California, entered on the eighteenth day of May, eighteen hundred and sixty-five, be and the same are hereby relinquished and granted to the said City of San Francisco and its successors, and the claim of the said city to said lands is hereby confirmed—subject, however, to the reservations and exceptions designated in said decree, and upon the following trusts, namely : That all the said land not heretofore granted to said city shall be disposed of and conveyed by said city to parties in the bona fide actual possession thereof, by themselves or tenants, on the passage of this Act, in such quantities and upon such terms and conditions as the Legislature of the State of California may prescribe, except such parcels thereof as may be reserved and set apart by ordinance of said city for public uses.”

Somehow this is treated as the only source of the city's title to these lands. This theory blends itself with another, which is the principle of bill number two hundred and thirty-three, namely : that all the existing trust is created by said Act, its beneficiaries being none but the settlers at its date ; and these ideas often are carried to such length as to ignore the whole and perfect discretion in this class of cases which has heretofore always been held to belong to the Legislature of the State, and in no manner to the United States.

In passing, the construction put upon this Act by its author, Hon. John Conness, attracts notice. In a speech delivered by him at Platt's Hall, San Francisco, August thirtieth, eighteen hundred and sixty-seven ; after reciting the above language of his Act, he thus replies to an assailant :

“Now, I want to read you the infamous perversion of that language by the speaker, ‘That the same is in trust for the actual settlers on these lands, either by themselves or their tenants.’ That's all ! [Great applause.] Nothing said about this condition, which requires that they shall be given in such quantities and upon such terms and conditions as the Legislature of the State of California may prescribe. [Renewed applause.] Now, fellow-citizens, they may be divided into lots of ten feet square and there is nothing in this Act to prevent it, if that is the public will.”

Probably this declaration of the Senator last year had more influence than any lore of the *Recopilacion de las Indias* in fomenting the popular agitation for land in San Francisco.

The decisions of the Courts are clear as to the city title, and silent as to any peculiar virtue to confer it inherent in the Act of March eighth, eighteen hundred and sixty-six. After a summary of the history of pueblos and of their right to four square leagues of land, the Court proceeds :

"It is evident from this brief statement that these lands were not assigned to the pueblos in absolute property, but were to be held *in trust for the benefit of their inhabitants!* This is the view taken by the Supreme Court of the State of California, after an extended and elaborate consideration of the subject. (Hart vs. Burnett, 15 Cal., 530.) This view was also taken by the Circuit Court of the United States, in the final confirming the claim of the city to her municipal lands. Since the trial of the present cause in the Court below, the appeal taken by the city from the decree of the Board of Commissioners has been heard by the Circuit Court of the United States, to which the case was transferred under the Act of July first, eighteen hundred and sixty-four. (3 Wallace, p. 686.) That decree declares that the confirmation is in trust for the benefit of the lot holders, *under grants from the Pueblo, Town or City of San Francisco, or other competent authority, and as to any residue, in trust for the use and benefit of the inhabitants of the city.* From this decree the United States and the City of San Francisco appealed—the United States from the whole decree, and the city from so much thereof as included certain lands reserved for public purposes in the estimate of the quantity confirmed; but during the present term of this Court both parties have, by stipulation, withdrawn their objections, and their respective appeals have been dismissed. It is, therefore, now *the settled law* that the municipal lands held by the City of San Francisco, as successor to the former pueblo existing there, are not held in absolute property, but *in trust for its inhabitants.*"

And, in United States vs. Hare and others (eighteen hundred and sixty-seven), Judge Field says:

"That a Mexican Pueblo existed at the site of the present City of San Francisco upon the acquisition of the country by the United States, on the seventh of July, eighteen hundred and forty-six; that it possessed an interest in lands to the extent of four square leagues, measured off from the northern portion of the peninsula upon which the city is situated; and that the city has succeeded to such interest, are matters no longer open to discussion. *They have been settled by judicial decision* in a controversy between the city and the United States, after the most mature consideration."

By the same case it is also shown that, even in support of one of its reservations, title derived from the city is the only title upon which the United States ever relied!

As to the trust, which the State Legislature alone controls, the case of Hart vs. Burnett (Cal. Rep., 15, p. 575) is conclusive:

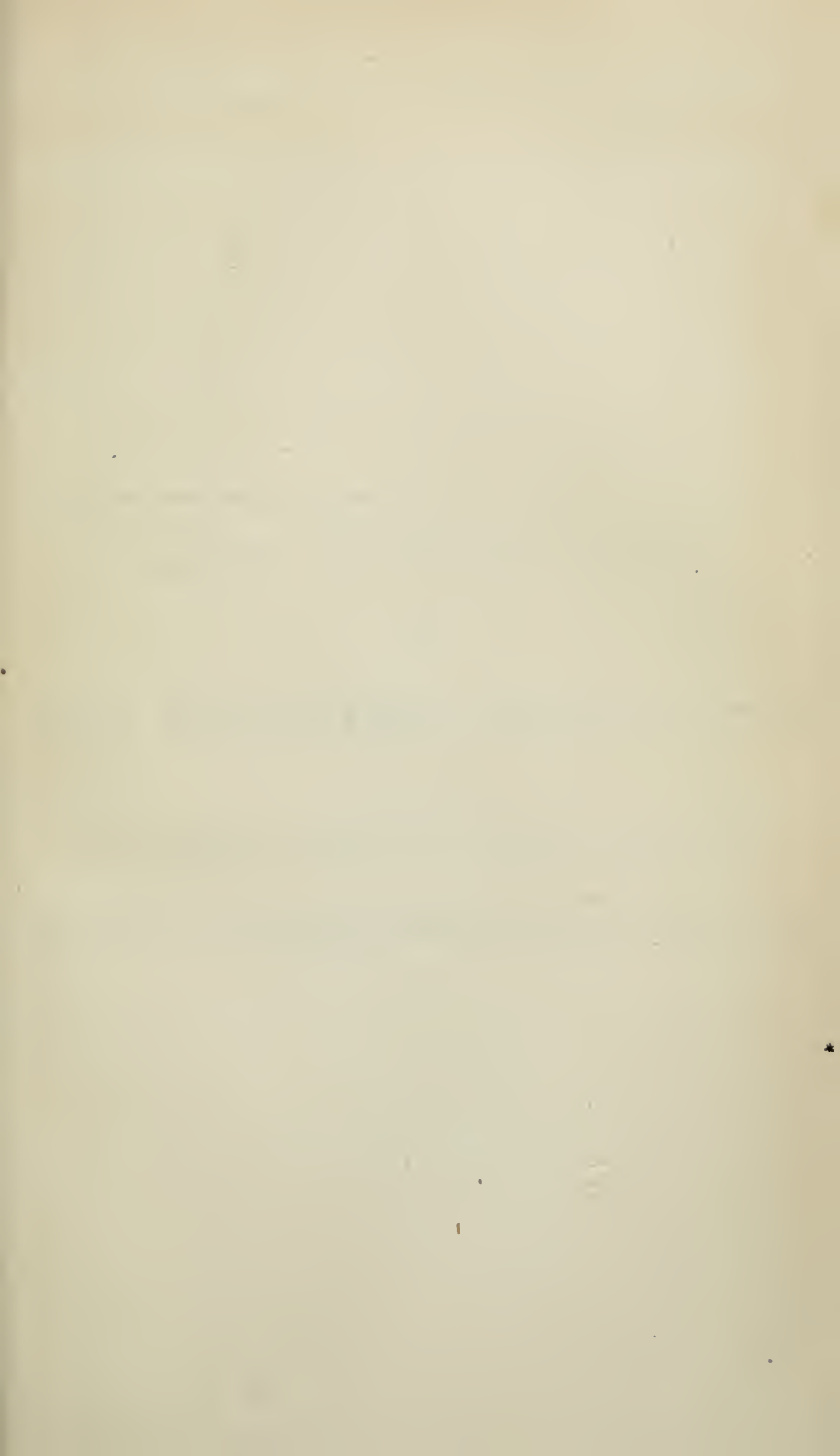
"Congress, therefore," in the language of the learned Judge, "could not change the trust under which San Francisco held these lands; nor could it destroy, or in any way modify, the uses to which they had been dedicated. *Such power could be exercised only by the State sovereignty.* If Congress could have changed this trust by a direct grant to the city, could it not have done so by a grant to any one else? That Congress could have granted to the City of San Francisco any lands belonging to the *public domain*, upon any conditions, and by any title it pleased, is not doubted; nor is it doubted it could have *surrendered* to such municipality any right or title in the United States to the *lands of the pueblo*; but it could neither change an existing trust nor destroy existing uses."

Lest this deliberate opinion, fortified by the Court's reasoning, should be regarded as an *obiter dictum*, it may be well also to bear in mind the view taken in the above case of the United States vs. Hare :

"The power of the city to dispose of the property was, *after the admission of California into the Union*, subject to the control of the *Legislature of the State*. The Legislature could restrain or enlarge, at its pleasure, the authority of the agents of the city over the property, and could authorize a transfer of the title through the Commissioners of the Sinking Fund as well as in any other way, or through any other body. (Payne & Dewey vs. Treadwell, 16 Cal., 233, and authorities there cited.)

The undersigned believes it is with sound reason he has been led to doubt the power of Congress, in the year eighteen hundred and sixty-six, if ever, to create this peculiar (by some treated as exclusive) trust, in favor of settlers, without grant, on these pueblo lands, in contradistinction to the inhabitants at large, and equally to doubt the right or duty of the Legislature of the State to execute it, merely as such ; but conceding that there may well be equitable circumstances entitling such settlers to a degree of consideration, in a general distribution, this is measurably provided for by the minority substitute, and might be extended upon proof of the facts. Although many of the rules prescribed by the ancient laws, as to sale or settlement of the lands of pueblos, could be of service even now, they are considered no longer rigorously binding, and time would be wasted in the further discussion of them. The whole matter is in the hands of the Legislature. All will agree that the best interests of the people of San Francisco will be eminently promoted by a final adjustment of the controversy, on principles having due regard to all classes, at this session.

BENJAMIN HAYES.



MAJORITY AND MINORITY REPORTS

OF THE

SAN FRANCISCO DELEGATION

IN RELATION TO

ASSEMBLY BILLS Nos. 325, 310 AND 154.

D. W. GELWICKS.....STATE PRINTER.

REPORTS.

ASSEMBLY CHAMBER, }
February 29th, 1868. }

MR. SPEAKER: The San Francisco delegation, to whom were referred Assembly Bills numbers three hundred and twenty-five, three hundred and ten and one hundred and fifty-four, have had the same under consideration, and the undersigned—being a majority of said delegation—respectfully beg leave to report them back accompanied by a substitute for the three bills, the passage of which they respectfully recommend, and in doing so offer the following reasons:

We find, after careful and diligent examination, that Patrick Donohue, Patrick Creighton and James Brennan entered into a contract with the authorities of the City of San Francisco to grade certain streets in said city, and that the said Donohue, Creighton and Brennan well and faithfully performed their part of the contract; that the work was accepted by the city, and that the said parties were entitled to receive the wages of their labor, but have never received the same, and now, after more than four years of delay and costly litigation, are compelled to appeal to this body as a last resort to obtain the rights that have been denied them by the Courts.

We find that after the work was completed and accepted by the city authorities that some of the owners of property who had been assessed to pay for said work discovered that the Mayor had not, either by neglect or because he supposed it unnecessary, signed the notice of intention, by which technical point they took advantage; and both they and the city refusing to pay, these parties have been kept out of their just dues up to the present time. We also find from examination of the books of the Street Commissioner that there are no other claims against the city in a similar condition to this, and that the payment of this money will open no door and establish no precedent whereby other claimants may expect to recover old claims, these being the only parties who have prosecuted their claims up to the Supreme Court.

Now, in view of the above facts and knowing that they cannot be controverted, we submit: Is it not more just that a great and wealthy city

should be compelled to pay this just and equitable demand—particularly when it only exists by the neglect or mistake of its chief officer—than that these poor men should lose their all?

THOMAS N. WAND,
B. J. BRODERSON,
FRANK V. SCUDDER,
MATT. CANAVAN,
S. L. LUPTON,
A. G. ROSS,
FRANK MAHON.

MINORITY REPORT.

MR. SPEAKER: We, the undersigned, being a minority of the San Francisco delegation, to whom was referred Assembly Bills Nos. 154, 310 and 325, believing that the parties who ask relief under the proposed bill have no legal or equitable claims against the city, and that by the passage of the aforesaid bills the Legislature will establish a dangerous precedent, recommend the indefinite postponement of the whole matter.

T. E. FARISH,
D. W. CONNELLY,
JOHN MIDDLETON,
J. J. PAPY.

MAJORITY REPORT

OF THE

COMMITTEE ON CLAIMS

IN RELATION TO THE

PETITION OF THOMAS THOMPSON.

D. W. GELWICKS.....STATE PRINTER

R E P O R T .

Mr. SPEAKER: The Committee on Claims, to whom was referred the petition of Thomas Thompson, have had the same under consideration, and ask leave to make the following report:

The petition represents, in substance, that in the year eighteen hundred and fifty-two he became the owner of School Land Warrants Nos. 84, 85 and 133, for one hundred and sixty acres of land each, which were authorized by an Act of the Legislature, approved May third, eighteen hundred and fifty-two, to be located on any vacant and unappropriated lands of the United States in this State; that he located these warrants on unsurveyed lands in Santa Clara County; that prior to the survey of the lands of the United States, settlements were made upon parts of them and pre-emption claims under United States laws secured thereon; and that one portion of the lands was within the limits of a Mexican grant, and another portion now lies within the corporate limits of the City of Santa Clara, and is claimed equally by pre-emption by the authorities of said city and by the grant to the Western Pacific Railroad Company, either of which titles would prevail in law against that of petitioner under his location; that the United States Government having granted to the Western Pacific Railroad Company all her valuable lands in the vicinity of said locations, whereby the right and power of petitioner to float his warrants was greatly restricted or entirely prevented; and, finally, such was the situation of the lands located under the warrants that until the two or three past years the petitioner could not know that his warrants would prove worthless to hold the lands. The petitioner therefore prays for relief and that the State will receive back the warrants above mentioned, which he is ready and willing to surrender, and will reimburse him with the principal sum paid out, with legal interest thereon, together with the expenses of location, and such taxes as he has been obliged to pay on the land so located.

The undersigned, members of the Committee, do not believe that the State can be justly held liable to this petitioner for the misfortunes which seems to have attended him in connection with these warrants; and they believe that there are plenty of vacant and unappropriated lands of the United States in this State on which the warrants in question can be located. And inasmuch as lands of the United States can now be obtained for less money than the cost of and interest, if allowed,

on these warrants, and there being quite a large number of warrants of this character still afloat, it would be to the interest of the holders of them, and they would undoubtedly avail themselves of the privilege, should the precedent be established by granting the relief asked for in this case, to insist that the State shall take their warrants back rather than to locate them upon the public lands of the United States, whereby the School Fund, out of which claims of this character should be paid, if paid at all, would be seriously diminished.

For the reasons above given, the undersigned recommend that the relief asked for by the petitioner be not granted.

CONNELY,
LEE,
BATCHELDER.

PROPOSALS
FOR
COPYING SENATE JOURNAL
AND
APPENDIX.

D. W. GELWICKS, STATE PRINTER.

PROPOSALS.

SACRAMENTO, March 16th, 1868.

Hon. E. W. ROBERTS,
Chairman :

SIR: I will write up Senate Journal and Appendix at four (4) cents per folio of one hundred words to folio.

WILLIAM F. MAY.

BIDS FOR SENATE COPYING.

Names.	Per folio.
C. D. Lyman.....	10 cents.
E. S. Chipman.....	6 cents.
M. P. H. Love.....	15 cents.
B. S. Marston.....	8 cents.
A. W. Perley.....	10 cents.
E. S. Chipman.....	{ $\frac{1}{2}$ cent below any one else.
Frank Cummings	
William F. May.....	6 cents.
Albert Hart.....	4 cents.
George M. Mott.....	13 cents.
T. K. Eldredge.....	9 cents.
E. H. Shearer.....	8 cents.
Elam Covington	4 $\frac{1}{2}$ cents.
Andrew J. Nichols.....	10 cents.
E. H. Wood.....	10 cents.
	8 $\frac{3}{4}$ cents.

Opened by the Committee at ten o'clock A. M.

E. W. ROBERTS,
Chairman of Committee.

Awarded to William F. May.

E. W. ROBERTS,
Chairman of Committee.

DOCUMENTS

ON FILE IN THE

OFFICE OF THE ATTORNEY-GENERAL,

RELATING TO THE

BOUNDARY LINE

BETWEEN CALIFORNIA AND ARIZONA.

D. W. GELWICKS.....STATE PRINTER.

DOCUMENTS.

ATTORNEY GENERAL'S OFFICE,
Sacramento, January 16th, 1868. }

To the Honorable the Assembly of the State of California:

In reply to the resolution of the Assembly of the State of California of this date, requiring the Attorney-General to communicate to you all petitions or other papers on file in his office, concerning any dispute as to the boundary between the Territory of Arizona and the State of California, in the vicinity of Fort Yuma, I have the honor herewith to submit copies of all the papers on file in this office upon the subject mentioned in your resolution.

I am, very respectfully, your obedient servant,

JO HAMILTON,
Attorney-General.

STATE OF CALIFORNIA, }
County of San Diego. } ss.

James McCoy, being first duly sworn, says: That he is Sheriff of said county and has been for the last six years; that upon a recent visit to Fort Yuma and its vicinity, he found posted there the annexed notice, marked (A), and also received from the persons therein named the annexed notices marked (B) and (C); that the said James O'Donnell and J. W. Jones, therein named, have always paid their taxes in said County of San Diego, together with other persons, as follows:

H. T. Stevens, merchant;

John Dow, agent Steam Navigation Company;

— Polhemus, Captain of steamer;

A. S. Grant, Quartermaster's Clerk;

G. A. Johnson and Steam Navigation Company; and

C. Arnabar, Physician.

Said O'Donnell being a merchant, and said Jones a saloon keeper. Deponent, in his visit, was accompanied by John S. McIntyre, Assessor of said County of San Diego; and said James O'Donnell, J. W. Jones, H. T. Stevens and C. Arnabar have paid to deponent, as said Sheriff, their taxes for the present year, in the belief that their actual residence, with their property, is in said County of San Diego.

Deponent further says: The residences and places of business of said taxpayers is upon a narrow strip of land upon the south side of the Colorado River, lying between Pilot Knob and the junction of the Gila and Colorado Rivers, which tract has always been treated by the officers of said county, whether for the purposes of taxation, or voting or otherwise, to be within the limits of the State of California, without controversy, until the late claim set up in the notice above referred to.

Deponent has seen the monument established at Pilot Knob by the Boundary Commissioners under the treaty between the United States and Mexico of eighteen hundred and forty-eight, as well as under the subsequent treaty for the Gadsden Purchase; and in the year eighteen hundred and fifty-five deponent saw, on a gravelly hill, about four hundred yards opposite to Fort Yuma, and upon the Gila River, another monument, a straight line being drawn from which would strike the monument at the Pilot Knob, and would leave to the northward said strip of land upon which said taxpayers reside. Deponent has always understood, and so believes the fact to be, that said last mentioned monument is one of the landmarks of the old boundary between the State of California and Mexico.

In the doubt now existing under said late claim as to the boundary between Yuma County, Arizona, and San Diego County, California, deponent, for the safety of said taxpayers, and that injustice may not be done to them, has not paid the amount of taxes by him received as aforesaid, being the aggregate sum of three hundred and seventy dollars and twenty cents, and submits all the premises to the consideration and determination of the honorable Attorney-General of California, praying that action thereupon, by such legal proceeding as may be adjudged necessary, may be had at an early day, for the better protection of said taxpayers, and for the interests of public revenue.

Deponent further says: That the Federal taxes of said taxpayers have always been paid to the United States officers within said San Diego County, and said Arnabar, by deponent, has forwarded his said taxes to said officers; and deponent now has instructions from said O'Donnell, H. T. Stevens and J. W. Jones, to pay their Federal taxes at the Town of San Diego, the distance from said town to Fort Yuma being about two hundred and fourteen miles.

In addition to the sum of three hundred and seventy dollars and twenty cents so collected as aforesaid, a much larger amount for taxes will be due this year from the other persons hereinbefore named.

Pilot Knob monument is near the River Colorado, and distant seven miles from Fort Yuma. Between Fort Yuma and Pilot Knob, the river makes a bend to the north.

JAMES McCOY,
Sheriff and Ex Officio Collector.



Subscribed and sworn to before me this thirteenth day of May, A. D. eighteen hundred and sixty-seven.

G. A. PENDLETON,
County Clerk.

(A)

To all persons interested :

The undersigned, by virtue of the law and his official position as Sheriff and ex officio County Assessor of Yuma County, Arizona Territory, deems it his duty to notify any and all persons doing business, and who hold in their name possession as agent, administrator, executor or otherwise, personal or real property, within the county boundaries of said county as described in the Howell Code, page 24. Chapter 2, entitled, "Of the Formation and Rights of Counties," to wit: The County of Yuma shall be bounded as follows: On the east, by the line of one hundred and thirteen degrees, twenty minutes, west longitude; on the north, by the middle of the main stream of the Santa Maria to its junction with Williams Fork; thence, by the middle of the main channel of said stream, to its junction with the Colorado River; on the west, by the main channel of the Colorado River; and on the south, by the Sonora line; that he will proceed forthwith to assess the valuation of the aforesaid property, not exempt from taxation, as required by Chapter 33, Howell Code, entitled, "Of Finance and Taxation," to which reference is hereby made. Persons owning or having possession of any personal or real property aforesaid are required forthwith to deliver to the Assessor or his deputies a statement of their property early as possible, or the Assessor will proceed to make such assessment as he deems just and reasonable.

M. D. DOBBINS,
Sheriff and Ex Officio County Assessor,
Yuma County.

(B)

LA PAZ, May 1st, 1867.

JAMES O'DONNELL, Esq:

Upon a full examination of the law and the county boundaries of Yuma County, I find that all the property owned, claimed or in your possession as agent, lying and being on this side, which is the east side of the middle of the channel of the Colorado River, are within the limits of the county boundaries and therefore under the jurisdiction of the Courts and civil officers of the county. The fact of this being so renders it incumbent upon me to execute, as nearly as possible, my duties as Sheriff and ex officio County Assessor of Yuma County. I therefore request that you deliver to my deputy, Mr. Smith, a statement of your property, both real and personal, at your earliest convenience. Should you decline doing so, be kind enough to give your answer in writing. No doubt but that all parties have been advised by the best legal advisers

in California. The only way to test and settle the matter is by adjudicating it. Let the Territory of Arizona and California foot the bill. To show you that I am right, examine Chapter 2, Section 1, page 24, Howell Code, entitled, "Of the Formation and Rights of Counties."

Respectfully, your obedient servant.

P. S.—An agreed case could be gotten up which would make the expenses of a suit small.

M. D. DOBBINS,

Sheriff and Ex Officio County Assessor,
Yuma County, Arizona.

JAMES O'DONNELL, Arizona City, A. T.

(C)

LA PAZ, May 1st, 1867.

J. W. JONES—

DEAR SIR: Upon a full examination of the law and the county boundaries of Yuma County, I find that all the property owned and claimed, or in your possession as agent, etc., lying and being on this side, which is the east side of the middle of the channel of the Colorado River, and within the limits of the county boundaries, and therefore under the jurisdiction of the Courts and the civil officers of the county. The fact of this being so renders it incumbent upon me to execute, as nearly as possible, my duties as Sheriff and ex officio County Assessor of Yuma County. I therefore request that you deliver to my deputy, Mr. Smith, a statement of your property, both real and personal, at your earliest convenience. Should you decline doing so, be kind enough to give your answer in writing. No doubt but that all parties have been advised by the best legal advisers in California. The only way to settle and test the matter is by adjudication. Let the Territory of Arizona and California foot the bill.

Permit me to refer you to page 24, Chapter 2, Section 1, Howell Code, entitled "Of the Formation and Rights of Counties."

An agreed case could be arranged which would make the expenses of the suit small.

Respectfully, your obedient servant,

M. D. DOBBINS,

Sheriff and Ex Officio County Assessor,
Yuma County.

CITY OF SAN DIEGO, CALIFORNIA, }
 May 13th, 1867. }

Hon. JOHN G. McCULLOUGH,

Attorney-General, State of California:

SIR: The question mentioned in the accompanying affidavit of the Sheriff of San Diego County, having been by him referred to me, as District Attorney, I beg leave to communicate the same to you for such consideration as you find it to require, briefly adding the reason that has led me to advise the Sheriff to continue in the receipt of taxes tendered him by the persons he mentions.

California was admitted into the Union with the boundaries established by her State Constitution. These, so far as concerns the present question, from the thirty-fifth parallel, followed "the middle of the channel of the Colorado River to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, eighteen hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean," etc. Article V of the treaty defined the boundary between Upper and Lower California as a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the Pacific Ocean, distant one marine league due south of the southwest point of the Port of San Diego. Without referring to the maps of Commissioner Weller, or of Commissioner Emory, the line above described is well designated on the maps entitled "General maps showing the counties explored and surveyed by the United States and Mexican Boundary Commission, in the years eighteen hundred and fifty, eighteen hundred and fifty-one, eighteen hundred and fifty-two, and eighteen hundred and fifty-three, under the direction of John R. Bartlett, United States Commissioner." This itself clearly indicating a narrow strip of land below the junction of the two rivers, and between the Colorado River and the Mexican boundary agreed upon by Article V of said treaty.

It would seem that the boundary of California should be held at this day according to this old line, notwithstanding the subsequent surveys of the newly acquired territory immediately adjoining south of it, as shown by the maps of Commissioners Weller and Emory.

In this I may be mistaken; yet it does not appear that any great injury will result from the course taken by the Sheriff of San Diego. Probably assessments in Arizona Territory, and even the rate of taxation, would be as high as in San Diego; and if in any degree otherwise, the question is capable of adjustment long before it may be necessary to place the moneys in the Treasury. It is indeed a matter of regret that the taxpayers, in the present situation of things, are liable to feel themselves harassed by rival jurisdictions.

With an apology for the length of my communication upon a matter that is entirely submitted to your opinion,

I am, very respectfully,

BENJ. HAYES.

ATTORNEY-GENERAL'S OFFICE, }
 Sacramento, May 24th, 1867. }

BENJ. HAYES, Esq.,
 District Attorney, San Diego :

DEAR SIR: I am in receipt of yours of the thirteenth instant, and inclosed documents, and have examined in the State Library such maps and surveys and reports as would throw light upon the question submitted me, and that were available.

The maps very generally show the disputed strip of territory south of the Colorado to be within California.

But the question is more difficult and may be thus stated: California was admitted into the Union with the boundary reading: "Thence down the middle of the channel of said river (Colorado) to the boundary line between the United States and Mexico, as established in the treaty of May thirtieth, eighteen hundred and forty-eight." That treaty lays down the boundary as "Thence down the middle of the said branch and of said river (Gila) until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California to the Pacific Ocean;" and in order to preclude all difficulty, "it is agreed that the said limit (the limit separating Upper from Lower California) shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point."—No doubt the point where the "middle" of the Gila empties into, or unites with, the Colorado, as specified in treaty, falls upon this side of the middle of the channel of the Colorado opposite to the mouth of the Gila, as specified in the Constitution. If it does, then the territory belongs to California. And whether it does or not, can be proven in a suit instituted for the recovery of taxes. Let a taxpayer in the disputed tract refuse to pay his taxes and be sued, and set up defense that he is not within the jurisdiction of the State of California, and let Arizona have full opportunity to be heard, and let our Courts decide. If Arizona should not be satisfied with the decision, she will not be bound by it; but, I presume, the facts once ascertained, there will not be much doubt upon the law.

This is as speedy a way to settle the matter as can be devised. Get the facts fully in your record, so that this Court can decide the question on its merits. The suit will have to be commenced in your Court, as the Supreme Court has not original jurisdiction of such actions.

I am, very respectfully,

J. G. McCULLOUGH,

Attorney-General.

ASSEMBLY CHAMBER, }
 SACRAMENTO CITY, December 18th, 1867. }

HALL HANLON, Esq :

DEAR SIR: You will perceive from the papers I send you that I have called for information from the Attorney-General in reference to the dispute existing in reference to the boundary between Arizona Territory and the State of California in the vicinity of Fort Yuma.

In this matter, it seems to me, the people living on the narrow strip

claimed by Arizona ought to send a petition to the Legislature representing all the facts within their knowledge, and their feelings and wishes on this subject. Then I will be better able to frame some measure to settle this question. * * * *

(Signed :)

BENJAMIN HAYES.

To the Honorable the Legislature of the State of California :

In accordance with the foregoing request of the Hon. Benjamin Hayes, we, the undersigned, residents of the State of California, and living upon said narrow strip of disputed territory, humbly petition your honorable body and respectfully represent :

That said narrow strip of disputed territory lies entirely upon the east bank of the Rio Colorado, commencing at a point upon said river twenty English miles below the junction of the Gila and Colorado Rivers; thence running up the middle channel of said Colorado River to said junction with the said Gila—said strip being but a few hundred yards in width.

That the number of inhabitants living thereon does not reach one hundred souls.

That a large and prosperous population exists upon the eastern side of an imaginary line, supposed by some to be the boundary line at said point between the State of California and the Territory of Arizona, and by others disputed, thereby creating much confusion in the clashing of jurisdictions between the officers of the County of San Diego, in the State of California, and the County of Yuma, in the Territory of Arizona; and, as a consequence, conducive to crime and the open defiance of law.

That legal measures have already been taken on the part of the officers of the Territory of Arizona and the County of Yuma in the same, claiming said disputed territory and the right of jurisdiction therein to enforce compliance with the laws of said Territory.

Therefore, your petitioners ask that said question may be speedily settled, and the right of civil and criminal jurisdiction conceded to the said Territory of Arizona.

And your petitioners will ever pray.

Dated at Arizona City, this twenty-second day of January, A. D. eighteen hundred and sixty-eight.

H. T. STEUART & CO.,
JAMES O'DONNELL,
N. G. SNOW,
J. W. JONES,
A. J. KEEN,
YMALIA PERRY,
C. ARNABAR (M. D.),
E. D. TUTTLE,
W. L. HOPKINS,
ROBERT A. LOVELL,
A. BOWMAN,
HALL HANLON.

MEMORIAL

ASKING THAT THE TRACT OF LAND IN THE BEND OF THE COLORADO RIVER
RIVER, OPPOSITE FORT YUMA, BE ATTACHED TO THE TERRI-
TORY OF ARIZONA.

To the Senate and House of Representatives of the United States in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that by the treaty of Guadalupe Hidalgo, between the United States and the Republic of Mexico, ratified in eighteen hundred and forty-eight, the boundary line between the two Republics would consist of a straight line drawn from the middle of the Gila River, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league south of the southernmost point of the Port of San Diego ; that in pursuance of said treaty the boundary line was run by the Commissioners appointed by the two Republics for that purpose ; that in running the line according to the said treaty the said boundary line crossed the Rio Colorado twice through a northern bend of that tortuous river, by which means a tract of land consisting of about one hundred and fifty acres south of said bend was thrown into the limits of the United States, thus leaving a small portion of the territory of the United States beyond the Colorado River, which separated it from every other portion of their territory. That when California was admitted into the Union as a State, in eighteen hundred and fifty, it was admitted with the same boundary on the south, as declared in her Constitution, that was specified in the said treaty of Guadalupe Hidalgo, and run by the Commissioners aforesaid, the River Colorado separating the small tract of land before specified from the remainder of the State.

Your memorialists further represent, that the Organic Act of the Territory of Arizona, approved the twenty-fourth day of February, A. D. eighteen hundred and sixty-three, declared all that part of the Territory of New Mexico situated west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary line of the Territory of New Mexico should be and was erected into a Territorial Government, to be called Arizona ; that the boundary of New Mexico on the west, by the Organic Act creating that Territory, approved September ninth, eighteen hundred and fifty, was the boundary line of the State of California from the thirty-seventh parallel of latitude south to the point of the Colorado River where said boundary begins, which was the line run by the Commissioners between the two Republics as aforesaid ; that afterwards, by the Gadsden treaty of eighteen hundred and fifty-four, the southern portion of the Territory of Arizona was acquired from the Republic of Mexico, attached to New Mexico by an Act of Congress of the United States, and the boundary run and fixed by a Joint Commission of the two Republics, at an initial point on the Colorado twenty miles below the junction of River Gila with the Colorado ; by this means the western boundary of Arizona runs from the thirty-seventh degree of latitude the whole length of the California boundary on the south, and beyond the line of that State on the Colorado River ; that said small tract of land lies just below the

junction of the Gila River with the Colorado; that it is an important commercial point, and is the commercial landing place and business point for the Territory of Arizona on the Lower Colorado; that it is opposite Fort Yuma, and remote from any civil government organized in California; that there are no police and civil regulations there; that it is essential and important to Arizona to have said land annexed to its territory, for the purpose of forming a landing place and a commercial town; that it is of little importance to the State of California and of vast consequence to Arizona to possess it; that if annexed to Arizona the benefits of civil government would be immediately extended over it from Arizona City, which lies adjoining it on contiguous territory, separated from it by an imaginary line, while the Colorado flows between the said tract of land and the other portions of the territory of the State of California;

Wherefore, your memorialists pray your honorable body to pass an Act by which the said tract of territory of the State of California, lying south of Fort Yuma and the Colorado River, and between the Colorado River and the line of Arizona, be annexed to said Territory of Arizona, providing that the State of California, by an Act of her Legislature, will relinquish all her right over said tract of land to the said Territory of Arizona.

Resolved, That our Delegate in Congress is hereby requested to use all honorable means in his power to secure the passage of such Act. That His Excellency, the Governor of the Territory of Arizona, is hereby requested to transmit a copy of this memorial to our Delegate in Congress; also a copy to the Governor of the State of California, with the request to forward such other information in his possession, in order that it may be laid before the Legislature of the State of California.

Approved November third, eighteen hundred and sixty-four.

Adopted again December thirtieth, eighteen hundred and sixty-five.

JOINT RESOLUTION

ASKING THAT THE BOUNDARY LINE BETWEEN CALIFORNIA, NEVADA, UTAH COLORADO AND ARIZONA BE FIXED.

WHEREAS, The settlements of Santa Clara and St. George, on the Rio Virgin, contain a population of some two thousand inhabitants, and are now claimed and submit to the jurisdiction of the Territory of Utah; and

Whereas, it is believed that said settlements are south of the thirty-seventh degree of north latitude, and within the Territory of Arizona; and

Whereas, a small tract of land in the bend of the Colorado River, opposite Fort Yuma, is claimed both by the Territory of Arizona and the State of California; and

Whereas, the rapid settlement of this Territory along and near its boundary lines, in connection with the known rich mineral and agricul-

tural wealth, make the question of jurisdiction one of delicacy and vexation, only to be obviated by speedily locating and making permanent such boundaries; therefore be it

Resolved by the Legislative Assembly of the Territory of Arizona,

First—That the Honorable John N. Goodwin, our Delegate in Congress, be and he is hereby respectfully requested to urge the Congress of the United States to appoint Commissioners to survey and fix the boundary lines between California, Nevada, Utah and Colorado and the Territory of Arizona.

Second—That a copy of these resolutions be forwarded by the Acting Governor to Honorable John N. Goodwin, our Delegate in Congress.

Approved December twenty-eighth, eighteen hundred and sixty-five.

R E P O R T

OF THE

Committee on Federal Relations,

IN RELATION TO

THE NEUTRALITY LAWS, ETC.

D. W. GELWICKS, STATE PRINTER.

R E P O R T .

MR. SPEAKER: Assembly Concurrent Resolution No. 44, relative to the Neutrality Laws, illegal arrests of American citizens abroad, etc., have received the careful attention of the Committee on Federal Relations.

Your Committee is fully impressed with the great importance of the subjects referred to in said resolutions.

The right of a subject to change his national allegiance, though always asserted as a principle of political action by the Government of the United States, has not yet been satisfactorily admitted as a correct principle, according to the law of nations; nor has it ever been declared by any enactment of Congress, except by implication, that a citizen of the United States can throw off his allegiance to this Government and change it to another. Nor do we find the principle entirely maintained by our legal text writers, or by the judicial decisions of this country.

This may be accounted for by the fact that the principles of our laws are chiefly derived from those of the mother country.

The doctrine of perpetual allegiance was universally recognized from the time of the feudal ages, when Governments were supposed to be formed for the benefit of those who governed instead of those who were governed, down to the period when the naturalization laws, as now established by our Government, were first enacted.

Great Britain, especially, has never admitted any other principle in regard to citizenship than that of perpetual allegiance.

It is true, foreigners are allowed, by residence or by special Act of Parliament, to acquire certain rights and privileges in that country, but that Government is always careful to assert at all times that the allegiance of the subject to his Government is not and never can be changed. And it is by that Government claimed that the Naturalization Laws of this country but give the person naturalized privileges and protection in this country, and in any other country, perhaps, except that to which, as a native, he owed allegiance.

France, Russia, Austria and other countries have such laws of naturalization, but which cease to operate when the subject removes from the jurisdiction of the country in which he was naturalized. Such laws existed even in the days of Ancient Greece.

Our Government, however, through her representatives abroad, has always asserted the full and complete change and transfer of allegiance

on the part of naturalized citizens. And we believe it is only a question of time before this principle will unquestionably, as a matter of right and justice, be unqualifiedly admitted and acted upon by all civilized nations. In fact, some leading English statesmen have already expressed views tending to recognize with favor such a result on behalf of that country; and our Government has recently made a treaty with the North German Confederation (Prussia), in which it is expressly stipulated that this principle shall hereafter be recognized and acted upon by the two Governments.

In the Koszta case, which happened some fifteen years ago in the Bay of Smyrna, on the Mediterranean, although he had but declared his intention to become a citizen of this country, the same principle was asserted by the agents of our Government, and maintained at the time by the power of a portion of our navy. But in subsequent negotiations upon the subject, although our country vindicated the principle as right, Austria still refused to admit it as a matter of law.

It is therefore a question of great moment that our Government, in striving to obtain a recognition of the principle, should carefully consider the present necessity of a peaceful solution of the difficulty, if possible, rather than one brought about by force.

To meet the difficulties surrounding the matter, a bill has recently been introduced into Congress declaring the right of any subject to change his allegiance, and directing the President, when reliably informed of the unjustifiable arrest abroad of any of our naturalized citizens, whose allegiance to this country, by naturalization, shall be at the time satisfactorily established, but refused recognition by such Government, to arrest and place in similar confinement an equal number of the citizens of any such Government present in this country, and so continue until a result is arrived at in settling the principle contended for by our Government.

In view of the pendency of this bill before Congress, and the sufferings of our naturalized citizens by hundreds in foreign prisons, and in most cases for no offense committed, or alleged to have been committed, upon any other than our own soil, we think it opportune for this Legislature to declare its sentiments, in behalf of the people of this State, upon the subject.

Your Committee therefore report a substitute for said resolutions, and recommend the adoption of said substitute.

S. L. LUPTON,

Chairman.

REPORT
OF THE
COMMISSIONERS
TO MANAGE THE
YOSEMITE VALLEY
AND THE
MARIPOSA BIG TREE GROVE.

D. W. GELWICKS.....STATE PRINTER.

R E P O R T .

To His Excellency,
FRED'K F. LOW,
Governor of California :

SIR :—As required by law, the Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove, beg leave to submit the following report :

The Senate and House of Representatives of the United States, by an Act approved June thirtieth, eighteen hundred and sixty-four, granted to the State of California, on certain stipulated conditions, the Yosemite Valley and the Mariposa Grove of Big Trees, and by an Act of its Legislature the State accepted the same and pledged itself to the fulfilment of these conditions. In the language of the Act of Congress, the grant was accepted "on the express conditions that the premises shall be held for public use, resort, and recreation, and shall be inalienable for all time." It was also stipulated by Congress that the management of the premises thus granted should be in the hands of nine Commissioners, of whom the Governor of the State should be one, and who should also have the power to fill vacancies in the Board caused either by death, removal, or resignation. To the Governor was also confided by Congress the power of appointing his eight associates, the first Commissioners, and this was done by executive proclamation, dated September twenty-eighth, eighteen hundred and sixty-four. The Commissioners first appointed were Messrs. F. Law Olmsted, J. D. Whitney, William Ashburner, I. W. Raymond, E. S. Holden, Alexander Deering, George W. Coulter, and Galen Clark, all of whom continue in office with the exception of Mr. Olmsted, who has returned to the East and resigned his place, which has been filled by the appointment of Henry W. Cleveland, of San Francisco.

The surveys necessary to establish the boundaries of the grants in question, as required by the Act of Congress, were duly made in the autumn of eighteen hundred and sixty-four, by Messrs. King and Gardner, their notes filed in the office of the United States Surveyor-General of California, and the official plat of the same has been forwarded to Washington and accepted by the Commissioner of the General Land Office; and this plat is, in the language of the Act of Congress, the evidence of the locus, extent, and limits of the valley and the grove. A map of the Yosemite Valley was drawn by Mr. Gardner, on a scale of

two inches to one mile, showing the boundaries of the Yosemite Valley grant and the topography of its immediate vicinity. This map is now in the archives of the Commission, and has been loaned by them to the Geological Survey, to be engraved for use in a publication authorized by the Legislature, of which some account will be given further on in this report. For the payment of Messrs. King and Gardner for the surveys necessary to establish the boundaries of the grants, an appropriation was made by the last Legislature.

At the first meeting of the Legislature of California after the passage of the Act of Congress making the grant to the State of the Yosemite Valley and Big Tree Grove, an Act was passed accepting the grant on the stipulated conditions, confirming the appointment of the Commissioners, organizing them into a body for legal purposes, and empowering them to make regulations and by-laws for their own government. The Act of the Legislature also contained provisions making it a penal offence to commit depredations on the premises, and other sections in regard to further surveys in and about the valley and the grove. It also appropriated two thousand dollars for carrying out the purposes of the Act, authorizing the appointment of a guardian, whose salary should not exceed five hundred dollars per annum.

Soon after the passage of the Act of the Legislature accepting the grant and providing for the organization of the Commissioners, they met, at the call of the Governor, and organized themselves by the appointment of a President, Vice-President, Secretary, and Treasurer, and an Executive Committee. They also adopted a set of by-laws for their own government, a copy of which is attached to this report. Copies of all the other official documents, cited above, will also be found printed with the by-laws, for convenient reference. The Commissioners furthermore appointed one of their number, Galen Clark, residing at Clark's Ranch, near the Big Tree Grove, guardian of the grove and valley, fixing his salary at the maximum allowed by law, namely: five hundred dollars per annum.

As by far the largest amount of work done in and about the valley, in consequence of the Act of the Legislature, has been executed by the Geological Surveying Corps, reference will first be made to this branch of the subject.

By section five of the Act of the Legislature, accepting the grant of Congress, the State Geologist was authorized to make further explorations on the grants, and in the adjacent region of the Sierra Nevada, for the purpose of preparing a full description of the country, with maps and illustrations, to be published and sold as other works issued by the Geological Survey are, namely: for the benefit of the Common School Fund of the State.

As early in eighteen hundred and sixty-five as the season would permit, a party was organized by the State Geologist for the purpose of making a detailed geographical and geological survey of the region of the High Sierra, adjacent to the Yosemite Valley. This party consisted of Messrs. C. King, J. T. Gardner, H. N. Bolander, C. R. Brinley, with two men employed to pack and cook. They commenced work early in June, and continued in the field until near the end of October, being accompanied by the State Geologist during a portion of the time. Owing to unavoidable causes, this party was obliged to return from the field before the work was completed; but enough had been done to enable Mr. Gardner to commence and partly finish a map, and the following plan of publication was determined on by the State Geologist:

The work will consist of text, maps, and photographic and other illustrations, and two editions will be issued—one without photographs, the other with them. One will be called the "Yosemite Guide Book," the other the "Yosemite Gift Book." The Guide Book will contain the text of the Gift Book, and the same maps; but the photographic illustrations will be omitted. The text will be such as will be suitable for a complete and thorough guide or hand-book to the valley and its surroundings, including the High Sierra, and, in general, the region between Mariposa and Big Oak Flat on the west, and the head of the San Joaquin and Mono Lake on the east. The map of the region thus designated is drawn on a scale of two miles to an inch, and is thirty inches by twenty in size. It contains all the minute details of the topography of one of the most elevated and roughest portions of the State, and is the first accurate map of any high mountain region ever prepared in the United States.

The surveys for the completion of this map were continued during the months of August and September of the present year, by a party of the Geological Survey, in charge of C. F. Hoffmann, and the work is now complete, and the map ready for the engravers. The photographic illustrations, twenty-four in number, made by C. E. Watkins, with the Dallmeyer lens of the survey, are also all printed and delivered, and the work can be put to press as soon as the State Geologist has time to attend to it. It is believed that it will be one of the most elegant books ever issued from an American press, and that it will have no little influence in drawing attention to the stupendous scenery of the Yosemite and its vicinity.

Mr. Hoffmann and party also made a careful survey of the bottom of the valley, including all the land within the talus or debris fallen from the walls. This work has been plotted on a scale of ten chains to one inch, making a map fifty inches by thirty in size, with the number of acres in each tract of meadow, timber, and fern land designated upon it, and also the boundaries of the claims of the settlers in the valley, and the number of acres inclosed and claimed by them. This map was found to be necessary for the purposes of the Commission, and an appropriation will be asked for to pay the expense of the survey and of preparing the map.

The principal grove of trees in the Big Tree grant has also been carefully surveyed by the State Geologist, assisted by Mr. Hoffmann; each tree of over one foot in diameter measured, and the height of a number of them accurately determined. There are in the main grove, of trees over one foot in diameter, (that is, of the Big Trees, or *Sequoia Gigantea*,) just three hundred and sixty-five, besides a great number of smaller ones. The trees thus measured have been plotted and numbered, so that their exact position and size relative to each other can be seen at a glance.

The Commissioners, seconded by the Geological Survey, have thus done all—that is, for the present—requisite towards obtaining all the necessary statistical data in regard to the valley and grove, and for making this information public in an attractive form. It may be added, that the Yosemite Guide Book and the Yosemite Gift Book will both be sold as are other publications of the survey, and the proceeds paid into the Treasury of State for the benefit of the Common School Fund.

One of the important duties of the Commissioners is the care of the valley and grove, so as to secure them and their surroundings from devastation by fire and from wanton injury by cutting down trees and defacing natural objects. The care of the guardian has prevented fires from running in the Big Tree Grove, and to a considerable extent has

protected the valley from wanton injury. There have been instances, however, of the felling or mutilation of conspicuous and beautiful trees, which instances were not discovered until after the offenders had left the valley and were far away from the place where the mischief was done. It is considered necessary by the Commissioners that there should be a guardian and sub-guardian, one or the other—during the season of visitors, at least—always in or about the valley and Big Tree Grove, in order to bring about entire safety and security that wanton damages will not be inflicted. It is also necessary that the guardian and sub-guardian should be endowed by the State with police or constabulary authority, so that offenders may be arrested on the spot where the mischief is done, as otherwise it will be entirely impossible for the Commissioners to answer for the safety of the property committed to their charge. The localities are so distant from the county seat or residence of a magistrate that it would be impossible for the guardian, unless this change is made, to obtain a warrant for the arrest of offenders and get back to the place where the offence was committed until long after the offenders had left the valley.

Aside from wanton trespassers in the valley, there are other persons residing there to whose cases we will now direct attention. And in order to understand the position of the parties in question, it will be necessary to go back and make a brief statement of the history of the discovery and settlement of the valley, which we will now proceed to do, relying on information furnished by persons who have been acquainted with the valley since it was first explored by white men.

The Yosemite Valley was first discovered and entered by white men in March, eighteen hundred and fifty-two, and by a party commanded by Captain John Boling. This party was in pursuit of Indians, for the purpose of taking them to the Reservation on the Fresno. During the same year a party of miners came into the valley and were attacked by the Indians, and two of the whites killed; they were buried near the Bridal Veil meadow. Some person connected with Captain Boling's party communicated to the newspapers an account of the wonders of the valley, and especially of the Yosemite Fall, which was described as being "more than a thousand feet high." This notice meeting the eye of Mr. J. M. Hutchings, at that time engaged in collecting materials for the "California Magazine," to illustrate the scenery of this State, he collected a party and made the first regular tourist's visit to the valley in the summer of eighteen hundred and fifty-five. This party was followed, the same year, by another from Mariposa, consisting of sixteen or eighteen persons. The next year (eighteen hundred and fifty-six) the regular travel commenced, and the trail on the Mariposa side to the valley, from White & Hatch's, was opened by Mann Brothers, at a cost of about seven hundred dollars. This trail was purchased in eighteen hundred and fifty-nine by the citizens of Mariposa County, and made free. The sum paid was two hundred dollars.

The first house was built in the Yosemite Valley, nearly opposite the Yosemite Fall, in the autumn of eighteen hundred and fifty-six; this is still standing, and has been usually known as the Lower Hotel. At the locality about half a mile further up the valley, and now known as "Hutchings' Yosemite Hotel," a canvas house was built by G. A. Hite, in the spring of eighteen hundred and fifty-seven, and in the spring of the next year the present house was built by Hite & Beardsley. They kept it as a public house that season, and it afterwards passed into the hands of Sullivan & Cashman, for debt. It was kept from eighteen hun-

dred and fifty-nine to eighteen hundred and sixty-one by Mr. Peck, then by Mr. Longhurst, and from eighteen hundred and sixty-four by Mr. Hutchings, who came to the valley in the spring of that year, having purchased, or made arrangements to purchase the house of Messrs. Sullivan & Cashman. The claim, however, as far as the land is concerned, is supposed to have been the property of Hite & Beardsley, at least as much their property as a claim of that kind on unsurveyed land and without residence could be that of any person. In the spring of eighteen hundred and fifty-seven, Cunningham & Beardsley had a storehouse and shop a little above the present Hutchings' Hotel. The Lower Hotel was kept by John Neal in eighteen hundred and fifty-seven, and by Mr. Cunningham from eighteen hundred and fifty-eight to eighteen hundred and sixty-one. In eighteen hundred and sixty-two and eighteen hundred and sixty-three it was not occupied except by occasional stragglers. For the past three or four years it has been occupied by Mr. G. F. Leidig. Mr. J. C. Lamon took possession of the upper end of the valley, above Hutchings', in eighteen hundred and sixty, and has continued to reside there since that time, being the only permanent resident in the valley prior to eighteen hundred and sixty-four.

At the time the Governor's proclamation was issued, namely, September twenty-eighth, eighteen hundred and sixty-four, the persons residing in the valley and claiming rights there, were Messrs. J. C. Lamon and J. M. Hutchings. Mr. Ira B. Folsom also claimed to own the ferry across the Merced and the ladders by which access is had to the summit of the Vernal Fall. There were probably other and conflicting claims to houses and land in the valley; but if such existed, the Commissioners have never been officially notified of them, nor would it have been in their power to recognize them or to decide between them.

The claim of Mr. Lamon, as defined by himself and limited by his fences, occupies the upper part of the valley at the junction of the Tenaya Fork with the main Merced River, and comprises three hundred and seventy-eight and seventy-six one-hundredths acres, of which about one hundred and forty-nine acres are good meadow land, the remainder being chiefly a strong soil, covered with ferns to a considerable extent, and requiring a large amount of labor to reduce it to cultivation. Mr. Lamon has cleared and subduced about twenty acres, and planted a large number of fruit trees, and has been especially successful in raising berries of several kinds, especially strawberries, raspberries, and blackberries, which have found a ready market in the valley among the visitors. There is no question that Mr. Lamon would have had a clear claim as a pre-emptionist under the United States laws, had this been ordinary surveyed land, or provided he had remained upon it until it was surveyed and sold, supposing it to have followed the usual course of United States surveyed lands. In view of the position of Mr. Lamon's claim, which is so situated that his buildings are not at all conspicuous in the valley, and of the useful character of the work done by him, the Commissioners did not hesitate in offering him the greatest privileges it was in their power to grant, namely: a lease of his premises for the term of ten years, at the nominal rent of one dollar per annum.

Mr. Hutchings' improvements consist of a small log house and a large barn and shed, with a garden and orchard, on the north side of the Merced, as well as the hotel on the south side, said to have been purchased by Sullivan & Cashman. Mr. Hutchings has resided permanently in the valley since the spring of eighteen hundred and sixty-four; but most, if not all his improvements, have been made since the Governor's proclama-

tion was issued, taking possession of the valley in the name of the State. It is fair to say, however, that Mr. Hutchings' improvements have been made with an eye to the preservation of the beauty of the valley unimpaired, so far as was consistent with his ideas of the amount of stock necessary to be kept for the use of the hotel. Mr. Hutchings' claim embraces one hundred and eighteen and sixty-three one-hundredths acres, chiefly of the best meadow land, and the best or one of the best sites for building in the valley. Considering the fact of Mr. Hutchings' long residence in this place, and of his evident desire to effect his improvements without injury to the picturesque appearance of his surroundings, and taking into view the small number of persons who, up to this time, have visited the Yosemite, so that keeping a public house has not been, nor is likely for some time, to be a matter of profit,* the Commissioners were disposed to be as liberal to him as the powers entrusted to them would permit. They therefore offered him a lease for ten years of one hundred and sixty-acres of land, including the hotel and house, at a mere nominal rent. Mr. Hutchings, however, believing that he has a legal claim to a fee simple of the land occupied by himself, refused to accept a lease or to acknowledge the authority of the Commissioners, as did also Mr. Lamon. There has been, therefore, no alternative for the Commissioners, and they have commenced legal proceedings against both these gentlemen as trespassers, with the view of having the question decided (about which there seems to be no reasonable doubt) whether the State really is the proprietor of the grant made by Congress, or, in short, whether the United States have authority to dispose of the unsurveyed and unsold public land. It is not the desire of the Commissioners to put Messrs. Lamon and Hutchings to any greater expense than is absolutely necessary to establish the validity of the claim of the State, and they regret that the necessity for legal action should have arisen.

The claim of Mr. Folsom to the ferry and ladders will be noticed after speaking of the improvements made in the valley by the Commissioners from the funds appropriated by the last Legislature. And this leads us to consider next, the approaches to the Yosemite and the Big Trees, the trails and roads leading to the grants, and the facilities for visiting these places.

The Yosemite Valley is situated nearly due east from San Francisco, and distant, in a direct line, about one hundred and fifty-five miles; but by the route usually travelled, via Stockton, it is about two hundred and sixty miles. The main Merced River runs through the valley, and access to it is therefore possible from both sides of the river; not, however, by following up the river itself, as would naturally be supposed. This would be extremely difficult, if not impossible, as the river runs, for many miles below the Yosemite, through a narrow cañon with precipitous walls. To enter the valley, therefore, it is necessary to rise fully three thousand feet above it, and then to descend again, a practicable trail having been constructed from the north and south down its precip-

*The largest number of visitors to the Yosemite was in eighteen hundred and sixty-six, when probably between six hundred and seven hundred persons were there, the number having been nearly double that of the previous year. In eighteen hundred and sixty-seven, there were probably not more than four hundred and fifty persons in the valley. These numbers include persons camping, as well as those stopping at the hotels. The cause of the smaller number of visitors during this year are supposed to be: *first*, the lateness of the season, the snow not having left the trail until late in June; *second*, the fact that nearly all the pleasure travel of the country has been attracted to Paris by the Exposition; and *lastly*, the general stagnation of business at the East.

itous sides at the lower end. On the north side the traveller may start from Big Oak Flat, or Coulterville, the latter being of late years the point usually selected. Although there is a wagon road from Coulterville as far as Black's, seventeen miles, travellers generally start from the first named place on horseback, ride seventeen miles and stop at Black's over night, and the next day ride into the valley; the total distance being forty-nine miles, of which seventeen are made the first day and thirty-two the second. The hotels in the valley being both on the south side of the Merced, travellers arriving from Coulterville, until recently, had to cross by a ferry after descending into the valley, as it is only rarely, and then very late in the season, that the river can be forded. This is the ferry noticed above as claimed by Mr. Folsom, and it is situated three quarters of a mile below the Lower Hotel. It is possible, however, to ride up the valley on the north side of the river, and cross at a bridge directly opposite Hutchings' Hotel; but a portion of the trail is apt to be boggy, and another part is very rocky, there being much the best ground for a road on the other side. To avoid the delay of the ferry, therefore, and to make it possible for visitors to ride entirely around the valley, the Commissioners have had a substantial bridge erected at the foot of the Bridal Veil meadow, not far from the place where the trail descends from the north. This will enable travellers to make the tour of the valley, after the trail on the north side has been put in good order, and, early in the season, when that side is boggy, to avoid inconvenience and also to avoid the delay and expense of the ferry.

The Commissioners have also expended a small amount on the improvement of the trail from the valley up the cañon of the Merced to the Vernal Fall, so that visitors can ride nearly to the foot of this fall, thus rendering a visit to this interesting portion of the Yosemite much easier than it has formerly been. They have also placed a bridge across the river above the Vernal Fall, making the trip to the summit of the Nevada Fall a matter of no great difficulty, this having been an extremely long and fatiguing trip before the bridge was built. The same bridge gives access to new and admirable views of the Nevada Fall, and also to Mount Broderick, or the Cap of Liberty, and is, on the whole, a quite important addition to the convenience of travellers.

The building of the bridge at the lower end of the valley does away with the necessity for a ferry, and the convenience of the public requires that a set of steps, or staircase, should be erected at the Vernal Fall, in place of the present ladders, which are awkward and perhaps even dangerous for ladies to climb. The Commissioners propose, therefore, next year to place a convenient and commodious staircase near the present ladders, leading by an easy and safe ascent to the top of the fall.

Since the valley came into the hands of the State, but little has been done to improve the means of access to it from either the Coulterville or Mariposa side. From Mariposa there is a wagon road as far as White & Hatch's, and indeed some two miles further, but persons usually take horses at Bear Valley or Mariposa. Last season, however, arrangements were made so that travellers could be driven to White & Hatch's, riding from there to Clark's the same day, if desired; the trail between these two last mentioned places is very good, so that it is not difficult for moderately good riders to make the trip from Mariposa to the Yosemite in two days or in three, if one day be allowed for visiting the Big Trees four miles from Clark's ranch.

The best method, undoubtedly, to see the Yosemite Valley and the Big Tree Grove is for the traveller to make the round trip, starting from Coulterville and returning to Mariposa, or *vice versa*. The accommodations are good at Black's on the Coulterville side, and at Clark's on the other side, and there are the usual stopping places on the way in and out of the valley. But as Black's is only seventeen miles from Coulterville, the distance is quite unequally divided on that side by the "Half-way House," so that one day's ride is quite fatiguing, being about thirty-two miles. This may be avoided, however, by establishing a public house at Deer Flat, and straightening the road, which now is extremely circuitous, the distance from Coulterville to Deer Flat being only a little over twelve miles in a direct line, while it is nearly double that by the present trail.

The trail on the Coulterville side passes the Bower Cave, a curiosity well worth seeing, while on the Mariposa side the views from the trail descending into the valley are sublime, and such as cannot be obtained from any other points. It is for the traveller to decide whether he prefers getting these grand general views of the valley after he has already been there, or on his way into it. If he wishes to have the whole grandeur of the Yosemite revealed to him at once, he will enter the valley on the Mariposa side; if, on the other hand, he prefers to see the various points in succession, one after another, and then, finally, as he leaves the valley, to have these glorious general views as a kind of 'summing up' of the whole, he will enter by the Coulterville and depart by the Mariposa side. In that case much the hardest day's work will be the second, or the ride from Black's into the valley.

A wagon road can be made without much difficulty from Black's to the edge of the valley; but to construct one into the valley, down the cliffs on that side, would be extremely difficult and expensive, if, indeed, possible at all. On the south side a wagon road can be made into the valley, but the expense would be very considerable, probably not less than thirty thousand dollars. A considerable saving of time and labor for those not accustomed to riding horseback, could be made by continuing the wagon road from White & Hatch's to Clark's, which could probably be done in good shape for about ten thousand dollars.

The Commissioners do not, however, consider it any part of their duty to improve the approaches to the valley or Big Trees; this may safely be left to the competition of the counties, towns, and individuals interested in securing the travel. A small expenditure, on either side, will bring the Yosemite to within one day's easy ride on horseback—that is to say, easy for persons somewhat accustomed to mountain travel. And when a wagon road shall have been extended from Coulterville to the brow of the valley on that side, and to Clark's on the other, the trip need no longer be one which will over-fatigue travellers in ordinary health, provided they do not attempt to make the journey in the smallest possible number of days, thus sacrificing everything to the single idea of getting through the journey rapidly.

In the valley, the Commissioners are desirous of continuing the work begun by them, of making all the most interesting points as accessible as possible, and of removing all obstacles to free circulation. The road around the valley requires improving; the trail to the Vernal Fall needs some additional work to make it secure; a bridge must be built over the Illilouette Fork, and a staircase up the Vernal Fall. A bridge across the Merced at the upper end of the valley, and one across the Tenaya Fork, are also desirable; and the Commissioners recommend an appropriation

of twelve hundred dollars to enable them to effect these improvements during the next two years.

The following is a summary of the above report :

1. The Commissioners propose to leave the improvement of the roads to the Big Trees and the Yosemite Valley to parties interested in increasing the amount of travel on either of the rival routes.

2. They desire to continue, on a moderate scale, the improvements in and about the valley itself, for the purpose of rendering interesting points more accessible, and to remove all charges on visitors for trails, bridges, ladders, ferries, etc. For this purpose they ask an appropriation of twelve hundred dollars, or six hundred dollars for each of the next two years.

3. They propose to increase the salary of the guardian, so that he may pay an assistant guardian, and in order that one or the other of them may remain permanently in the valley during the season of visitors. For this they ask authority and an appropriation of two thousand dollars, or one thousand dollars per annum.

4. They also ask for eight hundred dollars to pay the necessary expenses incurred by them in preparing a plat and survey of the claims in the valley, which has been found indispensable.

5. They intend to continue the legal investigation of the claims of the settlers in the valley until the highest Court of law has decided on their value.

6. They leave it to the Legislature to say whether any remuneration shall be made to these settlers, Messrs. Lamon & Hutchings, for damage done them by the action of Congress and the State in taking possession of the valley.

7. They ask that police authority be given to the guardian and sub-guardian of the Yosemite Valley, so that offenders may be arrested at once, without the necessity of taking out a warrant at a place sixty miles distant from the spot where the offence was committed.

8. They ask for one thousand dollars to pay the necessary travelling expenses of the Commissioners, and all other incidental expenses, during the next two years.

SUMMARY OF APPROPRIATIONS ASKED FOR.

For survey of claims and plot of valley.....	\$800 00
For improvements in valley.....	1,200 00
For pay of guardian and assistant.....	2,000 00
For travelling and incidental expenses.....	1,000 00
Total	\$5,000 00

The above is the smallest sum with which the business of the Commission can be carried on for the next two years.

The above is respectfully submitted, by order of the Board, together with the Treasurer's account of expenditures, as required by law.

J. D. WHITNEY,
Chairman of Executive Committee.

SAN FRANCISCO, November 14th, 1867.

TREASURER'S ACCOUNT.

WILLIAM ASHBURNER, TREASURER,

IN ACCOUNT WITH

BOARD OF COMMISSIONERS TO MANAGE YOSEMITE VALLEY
AND MARIPOSA BIG TREE GROVE.

		DR.	CR.
1866.			
Nov. 23.	To cash from State of California, being one half appropriation for eighteenth fiscal year.....	\$500 00	
1867.			
April 17	To cash, being second half of appropriation	500 00	
1866.			
Oct. 20..	By bill of E. Bosqui & Co., for printing..		\$ 20 00
Oct. 20..	By travelling expenses.....		115 00
Oct. 20..	By stationery		7 00
Nov. 23.	G. W. Coulter, travelling expenses.....		47 00
Nov. 23.	Bill of Geo. B. Hitchcock & Co.....		23 75
Nov. 24.	Galen Clark, guardian.....		200 00
1867.			
Jan. 1...	Galen Clark, guardian.....		50 00
April 16	Galen Clark, "		125 00
April 16	Telegram		8 75
Aug. 21	Galen Clark, guardian.....		125 00
Aug. 21	Travelling expenses.....		89 70
Oct. 24..	P. Longhurst, for labor upon trail.....		100 00
	Balance.....		88 80
		\$1,000 00	\$1,000 00

SAN FRANCISCO, October 24th, 1867.

WILLIAM ASHBURNER,
Treasurer.

I certify that the above expenditures were made by authority of the Commissioners to manage the Yosemite Valley and Big Tree Grove.

J. D. WHITNEY,
Chairman of Executive Committee.

BY-LAWS

OF THE

BOARD OF COMMISSIONERS.

OFFICERS.

PRESIDENT.

HIS EXCELLENCY FRED'K F. LOW.

VICE-PRESIDENT.

PROF. J. D. WHITNEY.

SECRETARY AND TREASURER.

WILLIAM ASHBURNER.

EXECUTIVE COMMITTEE.

PROF. J. D. WHITNEY.....	SAN FRANCISCO.
I. W. RAYMOND.....	SAN FRANCISCO.
WILLIAM ASHBURNER.....	SAN FRANCISCO.

GUARDIAN.

GALEN CLARK.....	MARIPOSA.
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BY-LAWS.

ARTICLE I.

The headquarters and office of the Board shall be in the City of San Francisco.

ARTICLE II.

The officers of the Commission shall be a President, a Vice-President, and a Secretary, who shall also be the Treasurer.

ARTICLE III.

It shall be the duty of the President to preside at all meetings of the Board, to sign all contracts made by the Board, and to perform all such other duties as properly appertain by usage to the office of President.

ARTICLE IV.

In case of the absence or inability to serve of the President, the Vice-President shall perform his duties.

ARTICLE V.

SECTION 1. The Secretary and Treasurer shall keep a record of the proceedings of the Commission in proper books to be provided for the purpose, shall conduct the correspondence of the Commission, keep a record in which he shall regularly enter copies of all official letters written by him, and preserve all communications which may be addressed to him as Secretary of the Commission, or which may pertain to the business of the Commission, and shall exhibit the same and give an account of his correspondence whenever required by the Executive Committee or by the Commissioners, at any regular meeting, and the same shall be open during all business hours to the examination of any individual Commissioner; he shall also keep a record on the minute book of all votes obtained by correspondence, when the majority of votes shall be binding, in the same manner as in general meeting.

SEC. 2. As Treasurer, it shall be his duty to receive all moneys of the Commission and hold the same until required to pay them out in the manner hereafter specified in these by-laws. He shall keep a just and

L A W S

RELATING TO

The Yosemite Valley and Mariposa Big Tree Grove.

AN ACT

AUTHORIZING A GRANT TO THE STATE OF CALIFORNIA OF THE YOSEMITE VALLEY, AND OF THE LAND EMBRACING THE MARIPOSA BIG TREE GROVE, APPROVED JUNE THIRTIETH, EIGHTEEN HUNDRED AND SIXTY-FOUR.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled :

That there shall be and is hereby granted to the State of California, the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the County of Mariposa, in the State aforesaid, and the head waters of the Merced River, and known as the Yosemite Valley, with its branches and spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation ; shall be inalienable for all time ; but leases not exceeding ten years may be granted for portions of said premises. All incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto ; the boundaries to be established, at the cost of said State, by the United States Surveyor-General of California, whose official plat, when affirmed by the Commissioner of the General Land Office, shall constitute the evidence of the locus, extent, and limits of the said cleft or gorge ; the premises to be managed by the Governor of the State, with eight other Commissioners, to be appointed by the Executive of California, and who shall receive no compensation for their services.

SEC. 2. *And be it further enacted*, That there shall likewise be, and there is hereby granted to the said State of California, the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, with the like stipulation as expressed in the first section of this Act as to the State's acceptance, with like conditions as in the first section of this Act as to inalienability, yet with the same lease privilege ; the income to be expended in preservation, improvement, and protection of the property ; the premises to be managed by Commissioners, as stipulated in the first section of this Act, and to be taken in legal subdivisions, as aforesaid ; and the official plat of the United States Surveyor-General, when affirmed by the Commissioners of the General Land Office, to be the evidence of the locus of the said Mariposa Big Tree Grove. (*Chap. CLXXXIV of the Statutes at large, passed at the 30th Congress, Session 1.*)

PROCLAMATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, Sept. 28th, 1864. }

WHEREAS, The United States, by an Act passed at the first session of the Thirty-eighth Congress, has granted to this State the territory comprising the "Yosemite Valley and the Mariposa Big Tree Grove," to be held and used for the purposes mentioned in said Act; and whereas, it is also provided in the Act that the management and control of the tracts of land shall be confided to a Board of Commissioners to be appointed by the Governor;

Now, therefore, be it known, that I, FRED'K F. LOW, Governor of the State of California, by virtue of the authority in me vested, have appointed Fred. Law Olmsted, Professor J. D. Whitney, William Ashburner, I. W. Raymond, E. S. Holden, Alexander Deering, George W. Coulter, and Galen Clark, said Commissioners, to whom is confided the management of the aforesaid tracts of land. And I hereby warn and command all persons to desist from trespassing or settling upon said territory, and from cutting timber or doing any unlawful acts within the limits of said grant.

All propositions for the improvement of the aforesaid tracts of land, or for leases, should be made to the Commissioners, through Fred. Law Olmsted, Bear Valley, Mariposa County.

{ L. S. }

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of California to be affixed, this twenty-eighth day of September, eighteen hundred and sixty-four.

FRED'K F. LOW,
 Governor of California.

Attest: B. B. REDDING, Secretary of State.
 By F. W. REDDING, Deputy.

AN ACT

To accept the grant by the United States Government to the State of California of the Yosemite Valley and the Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant and fulfil the purposes of the trust.

[Approved April 2d, 1866.]

WHEREAS, By an Act of Congress entitled an Act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove, approved June thirtieth, A. D. eighteen hundred and sixty-four, there was granted to the State of California, in the terms of said Act, said valley and the lands embracing said grove, upon certain conditions and stipulations therein expressed; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The State of California does hereby accept said grant upon the conditions, reservations, and stipulations contained in said Act of Congress.

SEC. 2. The Governor and the eight other Commissioners, Frederick Law Olmsted, Professor J. D. Whitney, William Ashburner, I. W. Raymond, E. S. Holden, Alexander Deering, George W. Coulter, and Galen Clark, appointed by him on the twenty-eighth day of September, eighteen hundred and sixty-four, in accordance with the terms of said Act, are hereby constituted a Board to manage said premises, and any vacancy occurring therein from death, removal, or any cause, shall be filled by the appointment of the Governor. They shall be known in law as "The Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove," and by such name they and their successors may sue and be sued, and shall have full power to manage and administer the grant made and the trust created by said Act of Congress, and shall have full power to make and adopt all rules, regulations, and by-laws for their own government, and the government, improvement, and preservation of said premises not inconsistent with the Constitution of the United States or of this State, or of said Act making the grant, or of any law of Congress or of the Legislature. They shall hold their first meeting at the time and place to be specified by the Governor, and thereafter as their own rules shall prescribe, and a majority shall constitute a quorum for the transaction of business. They shall elect a President and Secretary, and any other officers from their number as their rules may prescribe.

SEC. 3. None of said Commissioners shall receive any compensation for their services as such. They shall have power to appoint a guardian, either of their number or not, of said premises, removable at their pleasure, to perform such duties as they may prescribe, and to receive such compensation as they may fix, not to exceed five hundred dollars per annum.

SEC. 4. The Commissioners shall make a full report of the condition of said premises, and of their acts under this law, and of their expenditures, through the Governor, to the Legislature, at every regular session thereof.

SEC. 5. The State Geologist is hereby authorized to make such further explorations on the said tracts, and in the adjoining region of the Sierra Nevada Mountains, as may be necessary to enable him to prepare a full description and accurate statistical report of the same, and the same shall be published in connection with the reports of the Geological Survey.

SEC. 6. It shall be unlawful for any person wilfully to commit any trespass whatever upon said premises, cut down or carry off any wood, underwood, tree, or timber, or girdle or otherwise injure any tree or timber, or deface or injure any natural object, or set fire to any wood or grass upon said premises, or destroy or injure any bridge or structure of any kind, or other improvement that is or may be placed thereon. Any person committing either or any of said acts, without the express permission of said Commissioners, through said guardian, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

SEC. 7. The sum of two thousand dollars is hereby appropriated for the eighteenth and nineteenth fiscal years out of any moneys in the Treasury not otherwise appropriated, to pay said guardian, and the incidental expenses of the Commissioners, and to be expended under the supervision of said Commissioners; *provided*, that not more than one half of said sum shall be expended during the eighteenth fiscal year,

SEC. 8. This Act shall take effect immediately. (*Chap. DXXXVI of the Statutes of California, passed at the 16th Session of the Legislature, 1865-6.*)

TESTIMONY

IN RELATION TO

Charges of Cruel Treatment of Inmates

OF THE

SAN FRANCISCO INDUSTRIAL SCHOOL.

D. W. GELWICKS, STATE PRINTER.

PROCEEDINGS OF COMMITTEE.

SENATE CONCURRENT RESOLUTION NUMBER FORTY-ONE.

STATE OF CALIFORNIA,
DEPARTMENT OF STATE. }

I, H. L. Nichols, Secretary of State of the State of California, do hereby certify that the annexed is a true, full and correct copy of Senate Concurrent Resolution No. 41, now on file in my office.

{ SEAL. } Witness my hand and the Great Seal of State, at office
in Sacramento, California, the eleventh day of February,
eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

LEW B. HARRIS, Deputy.

Resolved by the Senate, the Assembly concurring, That the State Hospital Committee of each House be and they are hereby directed, when they visit the State Reform School, to investigate and report upon the charge of cruelty and inhumanity preferred against the Superintendent of that institution by the Sacramento Union in its issue of November sixteenth, eighteen hundred and sixty-seven.

Resolved, That the Committee be further instructed to investigate the charges of cruel treatment of inmates of the Industrial School, as presented by the Grand Jury of the County Court of San Francisco County for the term of last September, and published in the Evening Bulletin of November second, eighteen hundred and sixty-seven.

Resolved, That, for the purposes of these investigations, the Committees are hereby authorized and empowered to send for persons and papers.

C. T. RYLAND,
Speaker of the Assembly ;
WM. HOLDEN,
President of the Senate.

Adopted in Senate, with Assembly amendments, January twenty-third, eighteen hundred and sixty-eight.

JOHN WHITE,

Secretary of the Senate.

Concurred in and amended in Assembly, January twenty-second, eighteen hundred and sixty-eight.

WM. S. BYRNE,

Assistant Clerk of Assembly.

REPORT.

In compliance with Senate Concurrent Resolution No. 41, the Hospital Joint Committee of the Senate and Assembly convened at Dr. Dean's office, in the City of San Francisco, February fifteenth, eighteen hundred and sixty-eight, and had under consideration the matter of complaint of cruelty practiced upon the "inmates of the Industrial School," as charged in the report of the Grand Jury of the County of San Francisco, and published in the Evening Bulletin of November second, eighteen hundred and sixty-seven.

Present, on the part of the Senate, Senators Teegarden, Johnson, Maclay, Perley and McDougall.

On the part of the Assembly, Assemblymen Warfield, Spencer, Oliver, Mattingly and Mardis

On motion of Mr. Warfield, Mr. Teegarden was chosen Chairman of the Joint Committee.

On motion of Mr. Maclay, Mr. Johnson was designated to conduct the examination on the part of the Committee.

TESTIMONY OF GENERAL COBB.

General Cobb, being sworn, was interrogated as follows :

Question—Do you know anything about the condition of the Industrial School on the twenty-fifth day of September last?

Answer—Nothing in particular on that day, more than the general management.

Q.—Do you know what the condition of the wash-room was on that date?

A.—I do; judging from its general condition, which is always cleanly.

Q.—How frequently did you visit the establishment before the twenty-fifth day of September last, and after?

A.—Every Sunday, and sometimes during the week.

Q.—What was the condition of the institution when you made such visits?

A.—It was as neat and tidy as it possibly could be under the circumstances, when taking into account the large number of inmates and the

limited size of the building. The children wash three times a day, and pass through the wash-room six times a day, to and from the dining-room. The wash-room floor is redwood, and owing to its color it would have a dirty appearance when it was really clean.

Q.—Do you know of four lads being in solitary confinement on or about the twenty-fifth day of September last; if so, state what and all you know about the confinement of said lads—the cause and duration of said confinement and manner of treatment?

A.—The boy Griffith was confined in the cells for general insubordination and bad conduct. He must have been in the cell and room of correction for forty or fifty days. Previous to his release he formed a scheme to murder one of the officers. This boy was known as a Liverpool thief, and is incorrigible, in my belief. I have since learned that this boy has at different times used the most violent language to the Superintendent, daring and defying. Some part of the time during his confinement his food was bread and water. This measure was adopted as a punishment, under the rules of the institution, and to this end he slept in a cell originally constructed and intended for the use of ordinary inmates; and, in fact, all the cells now attached to the correctional department were for a number of years used as common sleeping apartments. When this boy was confined it was warm weather; he had a bunk and one pair of blankets, but cannot say that a mattress was allowed him; sometimes when boys are in durance they are denied some of the ordinary comforts.

Q.—Was this boy in confinement when he made the threats; and for what offence was he confined?

A.—He was; he was placed in confinement for general insubordination and violation of the rules of the institution.

Q.—What are the names of the boys in confinement on the twenty-fifth day of September last?

A.—Griffith, Sullivan, Bunner and Wallace.

Q.—What do you know of the three last named boys; and for what reason were they confined or punished?

A.—The boy Sullivan was placed in confinement for setting fire to the building at night, thereby jeopardizing the lives of more than one hundred and fifty children. He was indicted, but by some technicality of law he was not sent to State Prison. I know but little of the boys Bunner and Wallace. Boys in durance are sometimes placed on half rations and sometimes on bread and water. When such boys work they are allowed full rations. The sleeping apartments were originally all cells, and those used for punishment were once used for sleeping apartments. It is now and was originally the intention to have them locked at night.

Q.—How long, if at all, was either of the lads confined after he manifested a disposition to submit to the authority of the Superintendent and the rules and regulations of the institution?

A.—That question can be more perfectly answered by the Superintendent.

TESTIMONY OF JOSEPH WOOD.

Colonel Joseph Wood sworn :

Q.—Were you at what is known as the Industrial School in San Francisco County on the twenty-fifth day of September last ; and if so, what was the condition of the floor of the wash-room on that day ?

A.—I was the Superintendent of the Industrial School on that date ; the condition of the wash-room floor was the same on that day as on all other days, scrupulously clean ; all the floors in general use are scrubbed every other day ; the wash-room floor is made of redwood, and is not painted ; the boys pass over it eight times a day from the school-room to the dining-room, and in passing to and from the yard.

Q.—How many lads were in solitary confinement on that day ?

A.—We have no means of placing any one in solitary confinement ; four lads were confined in the correctional department on that day.

Q.—State, if you can, their names ?

A.—Griffith, Sullivan, Bunner and Wallace.

Q.—How long had Griffith been confined previous to the twenty-fifth of September ; and for what cause was he placed in confinement ?

A.—I should think he had been in confinement about six or seven weeks, and was at first confined for general insubordination ; the punishment was continued for attempting to take the life of the Janitor.

Q.—What bedding was he allowed during his confinement in the cell ?

A.—One pair of blankets and a mattress after he had an attack of rheumatism ; I think the mattress was removed as a matter of punishment after he attempted the life of the Janitor.

Q.—How long, if at all, was he confined after he manifested a disposition to submit to your authority and the rules and regulations of the institution ?

A.—He was released on the first day he manifested a disposition to comply with the rules of the school ; the same was the case with the other boys in confinement.

Q.—Could you, in your opinion, have produced obedience to your authority and the rules and regulations of the institution by milder means or punishment ? And state, without further interrogation, such other and further facts as may, in your opinion, be pertinent in this investigation.

A.—To the first interrogatory I answer, I could not. The punishment, if such it can be called, was mild, and was so regarded by the boys themselves, until they thought they possessed sympathy from the outside. They often defied us, and said they did not care for the punishment inflicted. They were furnished their meals in their cells. They, as do all in confinement, cleaned their own cells, and go to the water closet, which is on the outside of the correctional room ; and it was in this way the boy Griffith procured a pick-handle, which he concealed in his cell, and with which, it was afterwards ascertained, he intended to kill the Janitor. The boy Sullivan confessed that Griffith was to knock the Janitor down with the pick-handle, and the boy Wallace was to cut his throat with a case-knife, which he had concealed and sharpened on the wall for that purpose.

TESTIMONY OF DONALD McLENNEN.

Donald McLennen sworn :

Q.—State in what capacity you was acting on or about the twenty-fifth day of September last?

A.—I was acting in the capacity of grand juror for the County of San Francisco.

Q.—Was you at the Industrial School on that day ; and if so, state what you saw in relation to lads in confinement?

A.—I visited the School with other gentlemen, in the capacity of grand juror on the day mentioned. I saw, I think, but three lads in confinement. The boy Griffith said he was in confinement for attempting the life of the Janitor. I told him if he would behave himself he would soon be released. He said he “did not care a damn ; did not expect to get out.” He is bad at heart. I would not trust him in anything. I thought the punishment mild ; and understood he had a mattress at night, after he had an attack of rheumatism.

Q.—Did you sign the report of the Grand Jury ; and if so, do you, on reflection, approve the contents, so far as it relates to the Industrial School?

A.—I do not.

TESTIMONY OF J. C. MORRILL.

Captain J. C. Morrill sworn :

Q.—In what capacity do you act at the Industrial School?

A.—I am the principal teacher.

Q.—Will you please state what you know of the management of the institution, its condition—and particularly what you know of the crimes and punishment of the boys, Griffith, Sullivan, Bunner and Wallace?

A.—The School, in my opinion, is in good condition. The boys are under the best of training and instruction. We are all doing our best to make the institution answer fully the ends for which it was created. The whole institution is kept scrupulously clean. The walls in the wash-room, which were pronounced “dingy” by the grand jurors, had lately been painted a dark color, and were perfectly fresh and clean. The boys in confinement supposed they possessed the sympathy of the town people, which had a tendency to make them insolent. The boy Griffith was never a good boy, was always getting up schemes, and had a bad influence on other boys ; was always stealing, cursing and swearing, and behaving badly in every way. Sullivan and Wallace the same ; they are not safe boys to be at large with other boys. Bunner is a very bad boy ; he attempted to strangle a small boy who was in charge of the water-closet.

TESTIMONY OF SAMUEL AMBROSE.

Samuel Ambrose sworn :

Q.—In what capacity was you acting on or about the twenty-fifth day of September last ?

A.—I was a grand juror for the City and County of San Francisco ?

Q.—Did you visit the Industrial School ; and if so, please state what you saw ?

A.—I visited the School with other grand jurors. Until we reached the cells we were all delighted with what we saw of the management of the School. The cells were neat and clean. One of the boys cried on being expostulated with. They had no books. There were no mattresses in the cells. The blankets were folded and placed outside.

TESTIMONY OF HENRY B. JANES.

Henry B. Janes sworn, who made the following statement :

I believe the management of the Industrial School is everything it ought to be, with the exception of the treatment of delinquent boys. I was the counsel of the boy Sullivan, who fired the building ; felt it my duty to defend him, the same as I would have any other client. He was released on the ground that he set the fire not with the intent or expectation of burning the building, but in the hope of escaping.

TESTIMONY OF H. C. BEALS.

H. C. Beals sworn :

Q.—Did you sign the report of the Grand Jury of San Francisco County, made on or about the twenty-fifth day of September last ; and if so, state what you know of the confinement of boys at the Industrial School.

A.—I signed that report, and fully indorse the statements made therein ; I visited the school, and was pleased with the general management ; saw nothing objectionable, except in the treatment of boys confined ; we (the jurors) were all impressed with the severity of the punishment ; there was no furniture in the rooms except the bunks ; the boys had nothing but one pair of blankets, which was entirely insufficient ; I am satisfied that the boys had not a mattress at the time the visit was made ; I went there without bias, and believe the school is well kept, and find no fault with anything except as before stated, with the punishment of the boys ; the boys told us they had no mattresses ; every member of the jury signed the report.

TESTIMONY OF DOCTOR DEAN.

Doctor Dean sworn, who made the following statement :

When the boys were confined in the cells the weather was warm ; it was in the month of September ; I think their bedding was sufficient for that season ; I never asked the boys if they slept warm, nor did I hear complaint ; the boys are well and sufficiently clad in woollen clothes ; I have never known disease to be induced by insufficient clothing at the institution ; the children are well cared for in every respect.

On motion of Senator Johnson, the Committee adjourned to meet again at the call of the Chairman.

REPORT

OF THE

ASSEMBLY JUDICIARY COMMITTEE

IN RELATION TO

SUBSTITUTE FOR ASSEMBLY BILL No. 52.

D. W. GELWICKS.....STATE PRINTER.

R E P O R T .

MR. SPEAKER : The Judiciary Committee, to whom was recommitted substitute for Senate Bill No. 52, being an Act entitled an Act to authorize the guardian of Victoriano Guerrero to sell certain real estate at private sale, respectively report that since the recommitment of the said bill, they have heard the parties concerned and find the following to be the facts in the case :

The petitioner is an infant, aged nineteen years, and was tenant in common of the lands in question, with his mother and brothers, as heirs of his father, Francisco Guerrero, deceased, who died intestate.

The title of said Francisco Guerrero, deceased, was derived from an alleged grant of the lands in question purporting to have been made by Nicolas Gutierrez, Governor of California, on the thirtieth day of November, A. D. eighteen hundred and thirty-six.

Said title had been finally confirmed in the Courts of the United States, and a survey of the lands, made under said confirmation, had been made and finally approved, and a patent was about to be issued for said lands. The United States, at the instance of persons holding adversely to the title of said Francisco Guerrero, then filed a bill in equity in the Circuit Court of the United States for the District of California, against all persons claiming under the said alleged grant to Francisco Guerrero, including the said petitioner, Victoriano Guerrero, averring that the said grant to Francisco Guerrero was a forgery, and that that fact had been ascertained since the said confirmation of the same, and asking for a new trial of the questions of fact in the United States District Court.

That suit is still pending in the United States Circuit Court for California. The mother and brothers of the petitioner, his co-tenants in the said lands, as heirs of his deceased father, and co-defendants of that suit, have all compromised their claims by selling to the adverse claimant, leaving the petitioner alone to defend that suit.

The parties claiming adversely to the interest and estate of the said Francisco Guerrero, deceased, and for whose protection the said suit was commenced by the United States, now offer about seventeen thousand dollars for the purchase, by compromise, of the interest of the petitioner.

The petitioner is in independent circumstances, being worth one hundred thousand dollars, exclusive of his interests in these lands; and the money value of his interest is not needed for any other purpose, and could not be better invested than in these same lands, provided his title to his alleged interest in the same were clear and undisputed.

The guardian, mother and adult brother of the petitioner unite in a petition to the Legislature for leave to sell the interest of the petitioner in said lands, on the ground that this case is one in which relief is imperatively demanded, but in which the Probate Court has no power to grant adequate relief.

The only powers which the Probate Court has in the premises are those expressed in sections twenty and twenty-one of an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty, as amended; which are as follows:

“SEC. 20. When the income of the estate of any person under guardianship shall not be sufficient to maintain the ward and his family, or to educate the ward, when a minor, his guardian may sell his real or personal estate for that purpose, upon obtaining an order therefor and proceeding therein as provided in this Act.

“SEC. 21. When it shall appear to the satisfaction of the Court, upon the petition of the guardian, that it would be for the benefit of his ward that his real estate or some part thereof should be sold, in order that the proceeds thereof may be put out at interest, or invested in some productive stock, or in the improvement or security of any other real estate of said ward, his guardian may sell the same for such purpose, upon obtaining an order therefor and proceeding therein as provided in this Act.”

These provisions, authorizing sales of infants' estates under the order of the Probate Court, do not seem to meet the case in question. The petitioner does not need any of the income of the lands for his support or that of his family, or for his education, for he has other ample means for those purposes. Nor could the same amount in value be better invested than in these same lands, provided his title to them were not disputed. Nor are the proceeds of these lands needed for the improvement or security of other real estate belonging to the petitioner. The apparent necessity for the proposed sale rests entirely upon the fact that the petitioner is left alone to resist a litigation aimed at his alleged title to said lands, conducted by the powerful hand of the United States, and of which it is considered by all parties the issue will be very unfavorable to him. Under these circumstances, an offer is made to his guardian of an amount of money for the petitioner's interest in said lands which is supposed to represent its full value—all the circumstances considered—and the Probate Court has no jurisdiction to permit or confirm such a sale.

Under this state of facts, your Committee are reluctantly compelled to come to the conclusion that this is a case in which relief is required beyond that which the general laws of the State can afford, and they therefore feel constrained, within the limits of the principles heretofore announced by them, to report in favor of the passage of the bill, with amendments.

DWINELLE,
BUCKBEE,
COMTE,
LUPTON,
PAPY,
HAYES.

R E P O R T

OF THE

Committee on Ways and Means

IN RELATION TO

SENATE BILL No. 220.

CHIEF

THE UNIVERSITY OF CALIFORNIA

OF THE STATE

REPORT.

MR. SPEAKER: The undersigned, your Committee on Ways and Means, beg leave to report that they have had under consideration Senate Bill No. 220—An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six, and herewith report the same back and recommend its passage.

By reference to the original Act of which this bill is supplemental, we find that A. W. Saxe, I. P. Rankin, J. L. Downing, J. A. Benton and Wm. Sherman were constituted a Board of Commissioners of the Deaf, Dumb and Blind Institution, and certain powers delegated to them, among which were those of the selection of a location and the erection of suitable buildings thereon for the accommodation of the deaf, dumb and blind of the State. They also had full power to sell the buildings owned by the State and used for the Institute, and use the money obtained therefrom, with a donation of fifty thousand dollars, to purchase the location and erect the buildings thereon, making an entire sum of eighty-five thousand dollars, the Commissioners having received the sum of thirty-five thousand dollars for the old buildings.

The Commissioners went forward under the law, obtained a fine location near the City of Oakland, and in the erection of a building went much beyond the law, and entered into contracts involving an expenditure by the State of one hundred and fifty thousand dollars, instead of the sum of eighty-five thousand dollars, as originally contemplated and authorized. This bill involves an appropriation of sixty-five thousand dollars, being the amount required by the Commissioners to complete the building. That the Commissioners, by the exercise of undue authority in this matter, deserve the censure of this House, your Committee do not doubt. No State agent should, in the execution of any public trust, transcend the powers delegated to him by the law.

While your Committee deem the conduct of the Commissioners reprehensible, they believe that it was more from an excess of zeal than from any wilful departure from the law. When completed, the building will be ample to supply the needs of the entire coast for a number of years to come, and the State will be in possession of a piece of property worth more than it originally cost.

FARISH,
For a majority of the Committee.

R E P O R T

OF THE

Special Committee of the Assembly

IN RELATION TO

GRANT OF LAND IN YOSEMITE VALLEY.

D. W. GELWICKS, STATE PRINTER.

REPORT.

Mr. SPEAKER: The undersigned, Committee on Yosemite Valley and other matters pertaining thereto, to whom was referred substitute for Senate Bill No. 100, entitled "An Act granting certain lands in Yosemite Valley to J. M. Hutchings and J. C. Lamon," respectfully report that they have had under consideration said bill; also, a memorial addressed to your Committee from the Commissioners of the Yosemite Valley and Big Tree Grove (herewith presented); also, the memorial of J. M. Hutchings in reply thereto.

From a careful investigation of the premises they adduce the following:

Messrs. Hutchings and Lamon had, at the time of the cession of said lands to the State certain rights and equities, which it was not in the power of the Congress to invalidate without a violation of its faith, in that the said parties had gone upon and improved the portions of the said valley, under the Act of Congress of September, eighteen hundred and sixty-two, relative to the unsurveyed lands of the United States. (See U. S. Statutes at large, p. 410, Sec. 7.)

Second—That it is evident, if the fact of lands being pre-occupied has been brought to the knowledge of Congress, such reservations would have been made as would have secured to the said settlers their claims or provisions made for indemnification.

Third—That the cession by the State of the unoccupied portions of the land under the supervision of the Commissioners would be advantageous to the public and the State, and would fully insure the objects of the grantors, viz: public use, recreation and pleasure.

Fourth—The State, having accepted the lands upon certain conditions, one of which was, that no portion should be alienated, cannot pass a title without the consent of Congress thereto; and believing the substitute bill deficient in this vital particular, we present a substitute for the Senate Bill and recommend the adoption of the substitute.

F. GILTNER,

Chairman of Yosemite Committee.

MEMORIAL OF COMMISSIONERS.

To the Honorable FRANCIS GILTNER,
Chairman Yosemite Committee :

SIR: A bill having passed the Senate, by the terms of which, as we understand (not having been favored with a copy), Messrs. Hutchings and Lamon have been granted a quantity of land lying in the Yosemite Valley, and supposed to be six hundred acres in all; and said bill having been referred to the Committee of which you are Chairman, we, the "Commissioners to manage the Yosemite Valley and the Big Tree Grove of Mariposa," beg leave to address you the following statement of facts, with the request that you will lay the same before your Committee:

We are a body of men, nine in number, with the Governor of the State at our head, legally appointed according to Acts of Congress, and of the Legislature of California, to manage the affairs of the Yosemite Valley and the Mariposa Big Tree Grove; and this communication has been adopted by, and is the unanimous expression of the opinions and wishes of our body, as ascertained at a meeting at which more than a legal quorum was present.

The tract of land known as the Yosemite Valley was ceded by the United States to the State of California on certain conditions, of which the more important were, that it should be held by the State "for public use, resort and pleasure," and "that it should be inalienable for all time."

The grant by the United States was accepted by the Legislature of the State of California, "on the conditions, reservations and stipulations" contained in the Act of Congress by which said valley was donated to this State.

In spite of the above solemn engagement of the State, as expressed by its Legislature, to hold the Yosemite Valley inalienable for all time, and for the public benefit, a bill has been introduced into the Legislature, and has passed one branch of the same, by the terms of which a large portion of the accessible and inhabitable part of the valley is alienated, so far as it is in the power of the Legislature to accomplish it, while the assent of Congress is asked, through our Senators and Representatives, to give validity to the Act.

This bill has been prepared and has passed the Senate without any consultation with the Commissioners, who are the legal and authorized agents of the State in the matter of the land and premises thus granted, and on an entirely *ex parte* statement of facts presented by the claimants to said premises.

To this course of procedure the Commissioners are entirely opposed, and they consider it a duty which they owe to the State and to the people of the United States to remonstrate against it, submitting a part of their reasons for so doing in the following pages:

The State has, through its Legislature, entered into a solemn engagement to hold the Yosemite Valley *in trust*, for the benefit of the public, and never to alienate it to private parties, but only to lease such portions of it as the Commissioners may see fit, and that for no longer time than ten years. It has accepted this trust from Congress, and if it refuses to fulfill the conditions of the trust, then the grant can and probably will be revoked by that body. By no possibility can the State claim to hold the premises if any portion of them is ceded to private

parties, as this would be a violation of the fundamental condition on which the grant was made. The action of Congress was an exceptional one. The Yosemite Valley being an exceptional and in every way remarkable locality, it was the object of the Act by which it was donated to the State to make of it something of the nature of a public park, a place of resort where, unlike other famous objects of natural scenery, the visitor would not be hampered with petty exactions and tormented by extortionate demands—a place of resort which should be preserved in all its pristine beauty and not be shorn of some of its attractive features, according to the whims and caprices of wanton or malicious visitors or malignant settlers, but which should be made and kept accessible and attractive according to a general and far-seeing plan.

By actual survey there are found to be only eleven hundred acres of land in the Yosemite Valley, inside the debris of rock fallen from the walls, and of this only a little over seven hundred are arable land. The assignment of six hundred acres and over to private parties, supposing such assignment to be confirmed and made valid by Congress, would therefore be absolutely equivalent to putting the whole valley under the control of those parties, as no general plan could be adopted for the preservation and regulation of the premises which would be of any effect. So large a portion of the valley being withdrawn from the action and supervisory power of the Commissioners, the trees cut down, the flowers destroyed, and the natural features of one half the valley defaced, the result would be fatal to the beauty of the whole.

If Congress is to be asked to confirm the action of the State Legislature giving away six hundred acres or more, then it would be better to go still further and demand that the grant be absolutely revoked, and that the valley be thrown open to squatters and claimants of all kinds, to settle it among themselves, by process of law or otherwise, how it shall be divided. Either the State must abandon the valley entirely or it must retain exclusive control of it, as provided for in the grant by Congress, and as it has fully bound itself, by the Act of its Legislature, to do. In the latter case, it abides by its pledged faith; in the former, it seeks to evade the performance of a high obligation to the public, which it has voluntarily assumed in the presence of the nation, and with Congress as one of the parties to the agreement.

The Commissioners have carefully examined into all facts connected with the history of the early settlement and the present occupation of the Valley, and are aware that there are several claims of parties to different portions of it, some of which they believe to be as equitable as that of Mr. Hutchings. They are fully convinced that none of these parties have any legal claim, under any law of the State or of the United States, to any portion of the Valley, on the one hand, as they have never fulfilled the requirements of the Pre-emption Law of the State; while on the other, the land has never been surveyed, and could not, therefore, be pre-empted under United States laws. What the claims of these parties may be in equity is another matter, but they should not be acted on without careful investigation; and then, if the bona fide holders of these claims are to be remunerated for supposed damage done them by the action of the State and the United States, it must be done by a grant of money, since the State is estopped by its own action from making any grant of lands for that purpose.

The Commissioner would call the attention of the Legislature to the fact that the grant of the Yosemite Valley and the Big Trees to the State by Congress is a munificent one and one which will ultimately be-

come of great pecuniary importance, if faithfully and liberally managed with an eye to the interests of the public in the future, and not heedlessly thrown away almost at the very moment of its acceptance. Retaining possession of these unique and wonderful localities and freeing them from the drawbacks usually attending a visit to such places, by wisely refusing to private parties the right of levying toll on the beauties of nature, the number of persons who will be attracted to the State from all quarters of the globe to enjoy this stupendous scenery under such favorable circumstances will be greatly increased from year to year, and be the means of bringing a large amount of money and a very desirable class of visitors—some of whom will be induced to become residents, while others will send their friends to visit the scenes in which they have found so much enjoyment. Let the Legislature persist in the short-sighted policy which the proposed bill contemplates, and this stupendous Valley will become in time as notorious as Niagara Falls and many other places in this country and in Europe now are for the extortions practiced on travellers.

It is not true that Messrs. Hutchings and Lamon have furnished the only accommodations for visitors to the valley, and that they thus have earned a claim to remuneration from the State. On the contrary, Mr. Lamon has never kept a public house in the Yosemite, while as good ones as any have been sustained by persons who are willing to recognize the rights of the State, and who are not permanent residents in the valley. There are now, indeed, several applications on file for leases for sites for public houses in the valley.

It is decidedly advisable that as few persons as possible should reside in the valley during the Winter, as the amount of land is limited and the destruction of trees and flowers by wandering stock is very great. Fully as good accommodations have been furnished to travellers by parties coming into the valley for the Summer as by persons permanently residing there.

It is not true that the Commissioners have acted harshly towards Messrs. Lamon and Hutchings. On the contrary, these gentlemen have been offered the greatest privileges which it was in the power of the State to grant—namely, a lease of their premises for ten years, rent free. And when we consider how greatly the value of land in the Yosemite Valley will be enhanced by the action of the Commissioners, if their doings and plans are sustained by the State, and how largely the travel will be increased under the new system of things, it must be conceded that, under the circumstances, their offer was a munificent one, especially when it is considered that Mr. Hutchings had only moved into the valley about one month before the cession of it to the State, and that all his improvements have been made under protest of the Commissioners and with a full knowledge of all the facts in the case.

Finally, the Commissioners respectfully suggest to your Committee that they, being in full possession of all the facts in the case, should be consulted and heard in this matter, that it may not be laid to the charge of your Committee that they have acted on a subject of great importance to the State without availing themselves of all the sources of information which it was in their power to obtain.

Respectfully submitted, by order of the Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove.

J. D. WHITNEY, Vice President.

H. W. CLEVELAND, Secretary.

MEMORIAL OF J. M. HUTCHINGS.

TO HON. FRANCIS GILTNER,
Chairman of Assembly Yosemite Committee:

SIR: Inasmuch as some of the Commissioners of Yosemite have thought proper to make to you a statement that is not substantiated by the facts of the case, I invite your attention to the following:

It is not for me, or they, to decide whether the Legislature of California, in concert with Congress, the original owner and grantor of the land in question, can or cannot unite in disposing of a portion, or even the whole of said valley, if they see fit, both being parties to the original bargain. Nor does it now become a question whether or not Congress, after throwing open all unreserved public lands of the United States, whether surveyed or unsurveyed, to the bona fide settler, under the general Pre-emption Laws of the United States, can or cannot revoke that right after the settler has, in good faith, entered into actual possession, without a violation of at least an implied contract. That is not for the Commissioners or myself to decide, but the Supreme Court of the United States.

But, in justice to myself and Lamon, it is my duty to say that "it is not true" that we, as settlers, "on the one hand, have never fulfilled the requirements of the Pre-emption Laws of the State." The State has no Pre-emption Law. "While, on the other hand, it has never been surveyed, and could not, therefore, be pre-empted under the United States laws." Before Vice President Whitney or Secretary Cleaveland state the above axiom as a fact in law, I respectfully refer them to the United States Statutes at Large, eighteen hundred and sixty-two (page four hundred and ten, section seven), where the following words are recorded: "And be it further enacted, That in regard to settlements which by existing laws are authorized in certain States and Territories upon unsurveyed lands, which privilege is hereby extended to California, the pre-emption claimant shall be," etc. The Act goes on further to state the duties required from pre-emptors after the land has been surveyed by the United States. But as the land in question, according to the testimony of the Commissioners, "has never been surveyed," there were no duties required from us except actual residence upon the land in common with all other settlers. This, I presume, those gentlemen will not deny. Therefore, the statement that we have "never fulfilled the requirements of the Pre-emption Laws" is simply untrue. At the most, it would have been but a technical quibble if the statement had been true.

Then, again, "it is not true," as stated in their communication, that "there are several claims of parties to different portions of it (the valley), some of which they believe to be as equitable as that of Hutchings." Now, although the above wording is very unique in its deceptiveness, the Commissioners know that in point of fact it is "untrue." They know that Lamon and myself are the only actual settlers; they know that we are the only persons against whom suits of ejectment have been commenced. And wherefore? Simply because we were the only actual residents, and consequently the only bona fide settlers who could have any claim under the Pre-emption Laws. It is true, however, that Black has interests there which he rents during the season to different parties; but Black resides some thirty miles from Yosemite.

The Commissioners therefore "believe" that he is a settler, and enti-

tled to the same rights as those who have lived permanently upon the land. I think not. The wonder is that they should stoop to such a misrepresentation of facts.

Further, the Commissioners say "it is not true that Hutchings and Lamon have furnished the only accommodations to visitors." Did we ever affirm that we had? Were I to say that "it was not true that Professor Whitney had swallowed an antediluvian fossil and the stony composite had worked its way into his heart," by implication it might appear that he or some one else had said as much; but would that make it a fact? I repeat, therefore, that we never made such a statement, and consequently such should not have been implied.

Again, they remark, "It is not true that the Commissioners have acted harshly towards Hutchings and Lamon." Here I hope they will allow me to say that, in doing their supposed duty, I believe no harshness was intended; still, when a man receives from them such a threat as the following he is apt to think that it might have been more kindly put, considering his long and earnest services in the cause: "Please inform him (meaning myself) that (if I refuse to take a lease, etc) the Commissioners will, during the coming Winter, take such steps as they see fit for procuring a suitable tenant for the house he now occupies, and will take all necessary measures for installing him (the new tenant) in possession early in the coming Spring." In other words, they would let the very house I live in—my house—the home where my family resides, with all my outbuildings, orchard, garden, etc., to some one else. Now that may be a very kind way of putting it—but I don't see it. For inasmuch as those things were mine—not theirs—not even the land, if the Pre-emption Laws mean anything, and inasmuch as the Constitution provides "that no person shall be deprived of his liberty or property without due process of law," such a threat was, to say the least, a little premature. To my ear and heart it accorded more with the language of highwaymen than of considerate gentlemen who, having a painful duty to perform, did it reluctantly.

I do not wish, however, to think harshly or unkindly of their action. They might have felt that they simply did their duty. But there is one thought and feeling ever present to my mind—the duty I owe to my family. I am striving for a home—now endeared to me by so many happy memories and pleasant duties—and I would be unworthy of the sacred trust if I faltered one iota in seeking to obtain by all honorable means one little spot of land—the birthright of every American citizen—where my family and myself can dwell together in contentment and peace.

Then, again, these gentlemen speak of the munificent offer of a lease of ten years at a nominal rent. It may be a "munificent" offer; but inasmuch as, according to their own report, "keeping a public house has not been, nor is likely for some time to be, a matter of profit," I cannot see the munificence of the proposal. Besides, it will take ten years to make such improvements as the public wants require. Our orchards will then be, most likely, at their best stage of productiveness. To whom would they and all other improvements belong—to us or to the State? To lease for a term of ten years would be virtually to "alienate" the portion leased for the time being. This would continue, doubtless, for "all time," unless the State should go into the business of hotel keeping, etc., on their own account. Therefore, where is the advantage over owning the land? Then, again, I think there are but few men living, and I frankly

confess that I am not one of them, who could, or would, work and manage as well upon other people's land as upon their own.

If, too, as the Commissioners think, there is going to be such a wonderful increase in the number of visitors, the amount of forage necessary for animals must be increased. For instance: out of the one hundred and sixty acres which I ask for, but little more than half is good land, and of that half there are not over twenty acres that produce good grass. Eight tenths of the "good land" is covered with a dense growth of fern, that would require an expenditure of from seventy dollars to one hundred dollars per acre to prepare and seed it with grass. I should like to ask those gentlemen who think so much about a "lease," how many acres of such land would probably be broken up under a ten years lease?

In conclusion, I would respectfully suggest to the Commissioners that it would better comport with the feelings and education of gentlemen if they were to discuss these questions fairly and honorably, upon their own merits, than to seek to injure either Lamon or myself by misstating of facts, either directly or by implication, whereby they perpetrate a wrong, not only upon us, but upon themselves. Our memorial is before the public; it is sworn to by us, and its truthfulness is attested by over one hundred of the most influential citizens of Mariposa County, to whom the facts, doubtless, are as well or perhaps better known than to many others further away from our beautiful valley.

Respectfully,

J. M. HUTCHINGS.

SENATOR SHAW'S

PROPOSED

REVENUE LAW

FOR

CALIFORNIA.

PUBLISHED BY DIRECTION OF THE SENATE, 1868.

D. W. GELWICKS.....STATE PRINTER.

PROPOSED REVENUE LAW.

Recent decisions of the Supreme Court of California having made necessary a change in the Revenue Laws of the State, the subject was brought prominently before the members at the Seventeenth Session of the Legislature. Laws were passed amending the laws on the statute books to conform to the opinions of the highest tribunal in the State; but the necessity of a comprehensive law, to be applicable and to operate equally on property in every portion of the State, was apparent to all. The bill herewith published was introduced by Senator Shaw of San Francisco on March eleventh and referred to the Committee on Finance and favorably reported; but the short space of time intervening before the expiration of the session by constitutional limitation, and the press of other business, precluded that calm consideration of the bill which its importance demanded. Therefore the Senate, by a unanimous vote, ordered it printed and copies thereof distributed to members of the Legislature and revenue officers throughout the State, that the subject may be thoroughly considered, and the bill perfected and acted upon at an early period in the Eighteenth Session of the Legislature.



SENATE BILL No. 268.

INTRODUCED BY MR. SHAW, MARCH 11, 1868.

AN ACT TO PROVIDE REVENUE FOR THE SUPPORT OF GOVERNMENT.

*The People of the State of California, represented in Senate and Assembly, do
enact as follows :*

PART I.

GENERAL PROVISIONS CONTROLLING THIS ACT.

SECTION 1. All property in this State shall be taxed in proportion
2 to its value, to be ascertained as directed by this Act.

SEC. 2. Taxation shall be equal and uniform throughout the
2 State, and double taxation shall not be imposed nor exacted, directly
3 nor indirectly, except as a forfeiture, as hereinafter provided, to
4 prevent frauds and inequalities in assessments.

SEC. 3. Taxes necessary for the support of Government are levied
2 upon all visible private property now or hereafter in this State, in
3 proportion to its value; and all titles and claims thereto shall be
4 held at all times subject to the payment thereof, as annually fixed
5 and assessed according to law.

SEC. 4. To ascertain the property to be taxed for the support of
2 Government, in proportion to its value, all property in the State is
3 divided into two classes, namely: property appertaining to Govern-
4 ment and property appertaining to persons.

SEC. 5. The property appertaining to Government shall be
2 deemed and adjudged to include all property belonging to the Gov-

ernment of the United States, the Government of this State, or of any county, city and county, town, village or school district in this State; or to any incorporated college or school, and used exclusively for purposes of education; or to any eleemosynary or educational school or society (not exceeding six acres in any city, nor twelve acres elsewhere, and the improvements thereon), so long as the same shall be entirely devoted to the care or education or maintenance of indigent orphans or other helpless persons; and all church buildings and the lands they occupy, not held nor used as private property, but devoted to public use for religious education and worship; and all lots of ground surrendered by public necessity to the dead and used exclusively for human graves, and not made a source of revenue or pecuniary advantage to the owners; and all public parks and public roads and highways.

SEC. 6. The property appertaining to persons is all the property in this State, except the property appertaining to Government, as specified in the preceding section of this Act.

SEC. 7. No property appertaining to Government shall be assessed or taxed.

SEC. 8. All property appertaining to persons shall be assessed and taxed.

SEC. 9. There shall not be more than one assessment of any property in any one year. That assessment shall be the one directed by this Act, and it shall be deemed and held the only lawful assessment for any taxation during the year, whether imposed by general Act or by any special Act, local in its operation, and whether for State, county, city, city and county, town, village, school district or any other purpose required or authorized by law, except where otherwise provided by the charters of incorporated cities or towns or villages.

SEC. 10. All Acts and parts of Acts requiring any other or different assessment than that required by this Act are hereby repealed, so far as they require such other or different assessment, but no further; and the assessment herein required is made applicable thereto. And all Acts and orders imposing or fixing the rate or amount of any public tax shall be deemed and construed to mean a tax upon the property therein named or intended, according to the value thereof as ascertained under the assessments directed and required by this Act, and not according to any other assessment.

SEC. 11. All persons, companies and corporations having property or incomes within this State, and not residents of nor located in this State, shall be assessed and taxed the same as residents.

SEC. 12. The Governor and his advisers, who are, for the purposes and within the meaning of this Act, the Secretary of State, Treasurer, Attorney-General, Controller and Surveyor-General, shall see to it that the laws for the equal and uniform assessment and taxation of all private property in the State be justly and equally enforced throughout the State; that all officers chosen to assess and

7 collect the public revenues perform their duties with fidelity and
 8 intelligence; that no unreasonable or unequal burdens be permitted
 9 in any portion of the State, and that no partiality be allowed in
 10 favor of any one portion of the State over any other portion of the
 11 State. The better to insure these objects, the Governor may at any
 12 time send or appoint persons thoroughly informed on the subject in
 13 such counties as may be thought advisable, in order to ascertain the
 14 mode and manner of assessing and collecting revenue therein, and
 15 to advise, aid and assist the revenue officers therein in the proper
 16 understanding and performance of their duties, and to disclose any
 17 negligence in office, or defects or inequality in the operations of the
 18 revenue laws; and may make such allowance to such persons, not
 19 exceeding seven dollars per day, for the time actually employed, as
 20 he may think proper; and the necessary money to pay the same,
 21 not exceeding five thousand dollars in any one year, is hereby appro-
 22 priated out of any money in the Treasury not otherwise appropri-
 23 ated, the same to be first audited and allowed by the Board of
 24 Examiners, as other claims against the State.

SEC. 13. The Governor and his advisers aforesaid, or a majority
 2 of them, are authorized to agree to and publish such rules and
 3 instructions for the better government of Assessors and Collectors
 4 of taxes, and of Auditors and Treasurers of counties, as they may
 5 deem proper or necessary, and as may not be contrary to any law
 6 in force, and all Assessors, Collectors, Auditors and Treasurers shall
 7 observe and obey the same.

SEC. 14. This Act is designated and shall be known as the Rev-
 2 enue Laws; and all sections of Acts concerning the Revenue Laws
 3 hereafter passed shall be arranged in their appropriate places by the
 4 Governor and his advisers aforesaid, at the close of each legislative
 5 session, and so numbered as to conform to the numbers of the sec-
 6 tions of this Act; and the consecutive numbers of the sections of this
 7 Act shall at all times be made to conform thereto; and at the close
 8 of any session making amendments thereto, the same shall be
 9 re-published in pamphlets, with the sections so arranged as afore-
 10 said; and such publications are made official, and are given the same
 11 authority as any other publication of statutes, and as well for the
 12 purpose of further amendments thereof as for any and all proceed-
 13 ings, official, judicial or otherwise.

SEC. 15. In all biennial messages of the Governor hereafter
 2 made, he shall specify what particular sections of the Revenue Laws,
 3 if any, require amendment, and precisely the amendment, in his
 4 opinion, required.

SEC. 16. In the year one thousand eight hundred and seventy-
 2 one, and every year thereafter, all taxes necessary for State purposes
 3 shall not be levied by percentages, but shall be levied and appor-
 4 tioned in gross sums of money upon each and every county in the
 5 State, in exact and equal proportion to the taxable property therein,
 6 respectively, as ascertained from the official returns of assessments
 7 of each preceding year.

SEC. 17. After said year eighteen hundred and seventy-one afore-

2 said, all county taxes shall belong to the counties wherein the same
3 are collected, subject only to the payment of said gross levy for
4 State purposes.

2 SEC. 18. The detailed form of entering assessments in the
3 assessment rolls, or books to be prepared for that purpose, shall
4 continue the same as authorized and in use in the year eighteen
5 hundred and sixty-seven; but the Governor and his advisers afore-
6 said may add to or modify said form at any time prior to the first
7 of November in any year.

2 SEC. 19. The Assessors, Auditor and Treasurer of each county
3 shall procure such books, papers and blanks as may be necessary for
4 their use, and charge the cost thereof to the county, unless the
5 Board of Supervisors of their county shall promptly supply the
6 same.

2 SEC. 20. On the application and proper showing of any guardian,
3 or of any executor, or administrator, or other legal representative
4 of a deceased person, the Probate Court shall authorize the imme-
5 diate application of money belonging to the estate, or the immediate
6 sale and conversion into money of any personal property, or, if there
7 be none, then of any real property belonging to the estate, sufficient
8 to pay the taxes thereon when the same become due, or sufficient to
9 redeem the same from any sale for taxes, taking care that said
10 money be used for no other purpose; and any guardian of any
11 infant child or children, and any executor or administrator, or other
12 legal representative of a deceased person, and any agent or attorney
13 having the care or management of any real property of any person,
14 or of any company or corporation, who shall suffer or permit any
15 real property so under his care or management as guardian, or exec-
16 utor, or administrator, or agent, or attorney, as aforesaid, to be sold
17 for taxes whilst having the ability as such to pay or raise sufficient
18 to pay the same, shall be presumed, in any action to set aside such
19 sale, to have fraudulently connived and consented thereto.

2 SEC. 21. Whenever the word "county" occurs in this Act it shall
3 be invariably construed to mean and include city and county, as
4 completely as though such words were in every instance repeated
5 and added thereto; but the term "city" shall not in any instance be
6 construed to include city and county.

2 SEC. 22. The term Auditor, or County Auditor, whenever used in
3 this Act, shall be construed to include the officers discharging the
4 duties of Auditors, or ex officio Auditors, as well as those elected to
5 such office only.

2 SEC. 23. The only districts in this State, for the purposes of
3 assessing or of collecting taxes for State or county purposes, are
4 the counties of this State respectively.

2 SEC. 24. All Acts and parts of Acts authorizing or establishing
3 town or township boundaries as revenue districts, or districts wherein
4 taxes are to be assessed and collected, or creating or authorizing any
5 towns or townships of less dimensions than the counties wherein

the same are situated, are, for all purposes of assessing or collecting taxes for State or county purposes, but for no other or further purpose, repealed.

SEC. 25. All taxes assessed or collected by county officers within any county shall be deemed and adjudged taxes assessed and collected for State and county purposes, and all Assessors and Collectors thereof shall be elected by the qualified electors of the county, and all acts performed by the deputy or deputies of any County Assessor, or any County Taxcollector, or any County Treasurer or any County Auditor shall be held and adjudged the acts of such Assessor, or of such Taxcollector, or of such Treasurer or of such Auditor, as the case may be, and they shall be and remain, respectively, as responsible therefor, in all respects, as though such acts were, respectively, performed by themselves directly.

SEC. 26. All taxes imposed under authority of this Act, or of any Acts or parts of Acts of this State, except Acts of incorporation of incorporated cities or towns or villages, shall become due and payable at the same time, and shall be collected by the Collectors of the county in which the property taxed is situated, anything in any other Acts or parts of Acts to the contrary notwithstanding.

SEC. 27. The Attorney-General shall prepare, and the Controller shall cause to be printed and sent, blank forms of official bonds to be executed by Sheriffs and County Assessors, County Treasurers and County Auditors; and the Controller shall also cause to be prepared and sent to such officers the blank forms of statements and affidavits required by the Revenue Laws to be uniform throughout the State.

SEC. 28. Each county, town, city and incorporated village shall make provision for the support of its own officers, under the restrictions and regulations prescribed by the Revenue Laws of this State as to the mode of assessing and collecting taxes therein and therefor. (See State Constitution.)

OF OFFICERS GENERALLY—THEIR ELECTIONS, LIABILITIES, BONDS, ETC.

SEC. 29. At the Presidential election in November next, there shall be elected in and for each and every county in the State, and in the manner provided by law for the election of county officers, one County Assessor for one year and one County Assessor for four years; and thereafter, at each and every election of members of the Assembly, one County Assessor for four years. All County Assessors are made ex officio Taxcollectors, and shall be deemed, held and adjudged elected as Taxcollectors as well as Assessors; and they shall each also qualify and take the oath of office of Taxcollectors as well as that of Assessors.

SEC. 30. The term of office of County Assessors shall be four years, and shall invariably commence on the first day of January next after their election, and they shall continue to perform the duties of the office until their successors are, respectively, elected and qualified.

SEC. 31. Any appointment of an Assessor shall continue only until the election for members of the Assembly next following such appointment, when an Assessor shall be elected for the unexpired term, or for a full term, if the regular term of the predecessor would expire the same year.

SEC. 32. In every county the Assessors as County Assessors and ex officio County Taxcollectors, the Treasurer as County Treasurer and ex officio County Taxcollector, the Sheriff as Sheriff and ex officio County Taxcollector, after being severally elected to said offices, as herein mentioned, and also the County Auditor, or ex officio County Auditor, shall each separately execute and deliver a good and sufficient official bond, in such sum as required by law, or required by the Governor and his advisers, or by the Board of Supervisors of the county for which they are severally elected or appointed, and conditioned for the faithful performance of all the duties required of them, respectively, by law, and with such sureties and approval as required by law in cases of other official bonds. Each said officer shall execute said bond in duplicate, and no one of them shall be a surety on the bond of any other of them. One of said bonds shall be deposited in the safe of the office of the County Treasurer, except the bond of the Treasurer, which shall be deposited with the Auditor, and the other shall be sent forthwith to the Controller of State, who shall cause the same to be immediately examined by the Attorney-General. If any legal defect be found therein, the Attorney-General shall immediately notify the officer giving the same of such defect, and direct him to forthwith execute and deliver others free of objection; and when perfect and so indorsed by the Attorney-General, the Controller shall file the same in his office for safe keeping. Any Assessor, or Treasurer, or Auditor or Sheriff who shall not have duly executed and delivered such bond before entering on the duties of his office shall be liable to removal from office for that cause, either by the Governor and his advisers, or by the Board of Supervisors of his county, on due proof being made that he is entering on the duties of his office without such bond having been executed and delivered as required by law.

SEC. 33. In all official bonds required under this Act, no person shall sign or become security or be liable for over the sum of five thousand dollars; and each and every person signing such bond as surety shall become absolutely liable and bound for the specified sum for which he becomes security, and not exceeding said sum of five thousand dollars, whether any names above or below his are erased or not, and whether there be any defect in the form of the bond or not. And in October and December in every year, the County Treasurer in every county is ordered and required to examine every official bond in his office, and the County Auditor shall examine every official bond in his office, required by this Act, and see if any of the bondsmen have deceased, left the State or become insolvent, and require new bonds or additional sureties whenever necessary; and also respectively give notice to the county Board of Supervisors, or some member thereof, and to the Controller of State, of any officer refusing to give new and additional bonds after being required so to do.

SEC. 34. All and every the county officers aforesaid shall give
 2 additional official bonds for the faithful performance of their duties,
 3 respectively, if the Governor and his advisers aforesaid, or the
 4 Board of Supervisors of the county, shall in any case direct or
 5 require the same; and it is made their duty, respectively, to require
 6 such additional bonds, and to fix the sum thereof according to the
 7 amount of money likely to come into their hands, wherever the
 8 bonds already given, in any instance, are not amply sufficient, or are
 9 for any cause defective.

SEC. 35. The Assessors are authorized to appoint as many depu-
 2 ties to aid them in their official duties as they may deem necessary,
 3 for whose official conduct and for whose compensation they, together
 4 with all their bondsmen, respectively, shall be jointly and severally
 5 responsible; but in counties where they shall not be allowed to
 6 receive to their own use the fees allowed by this Act, they shall not
 7 be liable for the compensation of their deputies, and the number of
 8 deputies may be limited by the Board of Supervisors of such county.

SEC. 36. All County Treasurers and all Sheriffs of counties elected
 2 after the passage of this Act shall be ex officio Taxcollectors, and
 3 shall be respectively deemed, held and adjudged elected as Taxcol-
 4 lectors, as well as Treasurers and Sheriffs, and they shall respec-
 5 tively qualify and take the oath of office of Taxcollector as well as
 6 that of Treasurer or Sheriff, as the case may be; and all County
 7 Taxcollectors or ex officio Taxcollectors shall be deemed and
 8 adjudged elected to collect all taxes imposed within their counties,
 9 respectively, except such as may be differently provided for in the
 10 Acts of incorporation of incorporated cities or towns or villages.

SEC. 37. At the expiration of the present year, one thousand
 2 eight hundred and sixty-eight, all County Assessors, and City and
 3 County Assessors, and Town Assessors, and Township Assessors,
 4 and Village Assessors, and School District Assessors, and all public
 5 Assessors within the State, except Assessors elected or appointed
 6 under this Act, and Assessors in and for incorporated cities, or
 7 towns or villages, and required by the Acts of incorporation thereof,
 8 respectively, are removed from office, and their several offices, from
 9 and after the said date, are each and all abolished and determined;
 10 and all Acts and parts of Acts authorizing any office of Assessor
 11 contrary to the provisions of this Act are, to that extent but no
 12 further, and for that purpose and no other, repealed.

SEC. 38. All Assessors of any unincorporated town, or city or
 2 village, or school district, and whose offices are abolished by this Act,
 3 shall deliver to the authorities of such town, or city, or village or
 4 school district of which they were the Assessor or Assessors, respec-
 5 tively, any and all public property, books, accounts or furniture, if
 6 any, together with the offices they occupy, if any, belonging to such
 7 town, or city or village, respectively, on or before the last day of
 8 December next after the passage of this Act.

SEC. 39. All County Assessors now in office shall deliver, on or
 2 before the aforesaid last day of December next, all and every the
 3 public property, books, papers and furniture, together with their

4 offices, respectively, to the County Assessors elected or appointed
5 under authority of this Act.

SEC. 40. All County Taxcollectors, ex officio Taxcollectors and
2 District Attorneys, now or then in office, shall, on or before the said
3 thirty-first day of December next, make their final settlements with
4 the County Auditor and County Treasurer of their respective coun-
5 ties, and pay over all sums found due from them, or any of them, in
6 manner required by law. And no suit at law shall ever hereafter
7 be commenced in order to enforce the collection of any tax levied
8 for the support of Government.

SEC. 41. All County Taxcollectors and ex officio Taxcollectors
2 now in office, whose terms of office expire before the aforesaid
3 thirty-first day of December next, shall respectively continue in
4 office until that day, but no longer, and they shall then deliver to
5 their successors in office, if any they have, otherwise to the Presi-
6 dent of the Board of Supervisors of their counties, respectively, all
7 public property, books, papers and furniture whatever, together with
8 the offices they occupy, respectively.

SEC. 42. Nothing in this Act shall be construed to impair or
2 change any liability of any officer on his official bond, or otherwise,
3 nor the liability of any surety on any official bond, nor the com-
4 pensation of any officer whose office or whose term of office is abol-
5 ished or changed.

SEC. 43. Each and every County Assessor and Deputy County
2 Assessor, County Treasurer and Deputy County Treasurer, County
3 Auditor and Deputy County Auditor, and ex officio County Auditor,
4 and Sheriff and Deputy Sheriff, are severally duly authorized to
5 administer oaths and to certify and subscribe the same for any and
6 all purposes in any way connected with or relating to their duties,
7 respectively, under this Act. And the signature of any Assessor or
8 Deputy Assessor, Sheriff or Deputy Sheriff as Taxcollector, or
9 County Treasurer or Deputy County Treasurer, or Auditor or Dep-
10 uty Auditor, or ex officio Auditor, to any sworn statement or affi-
11 davit, or oath administered or purporting to have been administered
12 by him, shall be prima facie evidence that such oath was by him
13 duly administered at the date therein given, and to the person whose
14 name is thereto subscribed, and that such person did then and there
15 subscribe and swear to the same.

SEC. 44. The Assessors of each and every county, respectively,
2 shall be liable for all and every the official acts of each other, as well
3 as that of their deputies and employes appointed or employed by
4 them; and any official act by either of the Assessors of the county
5 shall be held and adjudged the act of both of them. But the
6 Assessor having the shortest term to serve shall be the chief
7 Assessor of the county, and the other Assessor shall respect him as
8 such; and in case of disagreement between them concerning any
9 official matter, either the Auditor or the Treasurer may be called in,
10 and any two of the three shall decide the matter.

SEC. 45. Any County Assessor, or Sheriff, or Auditor, or Treas-

2 urer, who shall refuse, or who shall grossly neglect for thirty days
 3 to comply with any of the requirements of this Act, or who shall
 4 remove or reside out of the county for which he was elected, or who
 5 from sickness or other cause shall become unable, for three months
 6 consecutively, to perform the duties of his office, shall resign; or, if
 7 he do not resign, the Board of Supervisors of the county may, on
 8 due proof thereof, declare his office vacant and fill the vacancy by
 9 appointing another in his place, who shall give the like official bond,
 10 be subject to the like duties and penalties, and have the same powers
 11 and compensation as the officer in whose place he was appointed; but
 12 no such appointment shall exonerate the officer in whose place the
 13 appointment was made, nor any of his sureties, from any liability
 14 incurred by him or them. And any and every said officer who
 15 shall knowingly and maliciously perform incorrectly, or knowingly
 16 and maliciously refuse to perform correctly and within a reasonable
 17 time, and within the time fixed by this Act, where a time is herein
 18 fixed, any act required of him to be performed under and in virtue
 19 of his office, shall be guilty of misdemeanor, and on conviction
 20 thereof shall be punished, in addition to all or any other punishment
 21 prescribed by this Act, by imprisonment in the County Jail
 22 for not less than one day nor more than six months, or by fine of
 23 not less than five dollars nor more than five thousand dollars, or by
 24 both such fine and imprisonment. And the judgment of conviction
 25 in such case shall operate to remove the officer convicted from office,
 26 and the rendition thereof shall render his office *ipso facto* vacant.

SEC. 46. Resignations of county officers shall be addressed to the
 2 President of the Board of Supervisors of the county of which the
 3 person is an officer; and on being accepted by a majority of the
 4 members of said Board, the resignation shall become absolute and
 5 beyond recall, and the office *ipso facto* vacant.

SEC. 47. All Sheriffs and Assessors, being ex officio Taxcollectors,
 2 shall daily pay over to the County Treasurers of their counties,
 3 respectively, all sums of money collected or received by them,
 4 respectively, for taxes or licenses; *provided*, that when the amount
 5 collected is less than one thousand dollars, they need not pay over
 6 the same to the County Treasurer until that amount shall have been
 7 collected, except at the end of the month, as herein next provided.
 8 And the County Treasurer shall immediately pay into the County
 9 Treasury every and all sums by him collected or received for taxes
 10 of any kind, and shall, with all sureties on his official bonds, be liable
 11 and responsible therefor the same as for other public money.

SEC. 48. On the last business day of each and every month in
 2 each year, and at the last office hour on said day, every Sheriff and
 3 Assessor then collecting any taxes as ex officio Taxcollector shall
 4 settle with the Treasurer of his county, and pay over to him all the
 5 taxes collected up to that day. And he must then and there take
 6 and subscribe the following oath, to be administered by the Treasurer,
 7 to wit:

8 I, ———, being duly sworn, depose and say, that I am the
 9 (Assessor, or Sheriff and ex officio Taxcollector, as the case may be)
 10 of the county of ———; that I have not collected any money for

any taxes in said county, nor any money for interest or penalty thereto added, nor any public money as such Taxcollector, which I have not now paid over to the Treasurer thereof; and that the word "paid," together with the month and day of the month on which the same were paid, and the precise sum in each and every instance which was added to the amount of tax, are now marked and shown in the roll now in my office on which I have collected the same; and that every tax, and every sum added thereto, which has been paid in this said county, on the said roll in my hands for collection, have now been paid to the Treasurer of said county.

The Treasurer shall thereupon, without delay, sign and deliver to the Sheriff or Assessor, as ex officio Taxcollector (as the case may be), a receipt in full for all the taxes paid by him on that day, and also a duplicate receipt for all the money paid by him during the whole of that month. And he shall thereupon deliver the said Treasurer's receipts to the Auditor, together with any other Treasurer's receipts not previously delivered, and the Auditor shall immediately credit the Assessor or the Sheriff (as the case may be), as ex officio Taxcollector, with the amounts expressed on said receipts (except said duplicate receipt), and charge the Treasurer with the same, and mark the same "allowed," with his initials added, and file the same as vouchers in his office; and at the same time he shall enter in a memorandum, or test account, the total amount admitted by the Treasurer to have been paid to him by the Assessors or the Sheriff (as the case may be), as ex officio Taxcollector, during that month, as shown by said duplicate receipt, and file said duplicate receipt as an additional voucher. And on the first of each month the Auditor shall give the Assessors or the Sheriff (as they may be entitled thereto respectively) a certificate, signed by him, of the amount of taxes credited to the Assessors or the Sheriff, as the case may be, and charged to the Treasurer during the preceding month, and of the amount of percentage allowed by law to the Assessors and Taxcollectors for assessing and for collecting the same, and the amount then due to them respectively, as appears by the accounts in his office; and the Treasurer, on finding such certificates to agree with the accounts in his office, shall pay the amount shown on such certificate to be then due, and thereupon mark the same paid, and it shall be for him a sufficient voucher of the legality and regularity of such payment. But if it does not agree with the accounts in his office, then he shall not pay it, nor any part of it, but he shall at once mark thereon the words "not good," and the same shall not be valid for any purpose.

SEC. 49. Whenever any tax is paid to the County Treasurer, or to the Assessor; or to the Sheriff, as Taxcollector, he shall mark the word "paid," and the date of payment, and also the exact additional amount added to the tax in the roll in his hands for collection, and opposite the name of the person or description of property liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax and the said amount added, and a description of the property assessed; but neither the Treasurer, nor the Assessor, nor the Sheriff, as Taxcollector, shall receive any taxes on real property for any portion less than the least subdivision entered on the assessment roll; and should a portion be paid

12 less than the whole amount of tax due on such least subdivision, it
 13 shall not operate to remove the tax lien thereon; and any County
 14 Treasurer, or Sheriff, or Assessor, as Taxcollector, who shall receive
 15 or permit any one in his office to receive any tax, or give a receipt
 16 for any tax, without so marking and entering the same as aforesaid
 17 in the assessment roll, or information roll, as the case may be, and
 18 also in the receipt delivered, shall be guilty of misdemeanor in office,
 19 and shall be liable to immediate removal therefrom, and also to a
 20 fine of one hundred dollars for each and every such omission, which
 21 fine shall be recoverable in an action at law by any person who shall
 22 discover and sue for the same.

SEC. 50. Any Sheriff or Assessor who shall refuse or neglect to
 2 pay over to the County Treasurer all sums of money collected by
 3 him for taxes in time and manner aforesaid, or who shall refuse or
 4 neglect to settle with the County Treasurer on the last day of each
 5 and every month, and pay over all money collected for taxes, and
 6 also prove the regularity of his conduct by taking, subscribing and
 7 delivering to the Treasurer the oath aforesaid, shall be guilty of
 8 malfeasance in office, and he and all the sureties on his official bonds
 9 shall be liable for the full amount of all taxes then due and unpaid,
 10 as will more fully appear in the accounts between such Assessor or
 11 Sheriff, as Taxcollector, and the Auditor and the Treasurer of his
 12 county; and the District Attorney shall proceed to secure and
 13 enforce the payment of the whole sum so due; and immediately
 14 after the commencement of a suit against such Assessor or Sheriff,
 15 as Taxcollector, and his sureties, the District Attorney, President of
 16 the Board of Supervisors, Auditor and Treasurer, or a majority of
 17 them, shall forthwith suspend such Sheriff, or Assessor, or Assessors,
 18 from office, and appoint some suitable person to act as Taxcollector
 19 in place of the officer so removed, and at his expense to proceed with
 20 the collection of the taxes until his case can be heard. The person
 21 so appointed shall give bonds in such sum as the said officers, or a
 22 majority of them, shall prescribe, and shall open a special account
 23 with the Auditor and Treasurer, and shall pay over all money col-
 24 lected by him to the Treasurer in like manner and form, and at such
 25 times as required of Taxcollectors, which sums so collected shall be
 26 credited to the account of the Sheriff, or the Assessor, or Assessors,
 27 so suspended from office; and if it be shown on the trial that such
 28 suspended officer was guilty of malfeasance in office, that fact shall
 29 be entered in the finding or judgment of the Court, and thereupon
 30 the office of such Sheriff, or Assessor, or Assessors, shall become
 31 vacant, and the Governor and his advisers, aforesaid, or a majority
 32 of them, are authorized to appoint a Sheriff, or Assessor, or Assess-
 33 ors, as the case may be, to fill such vacancy, who shall give the same
 34 bonds, perform the same duties, receive the same compensation pro
 35 rata, and be subject to the same liabilities, as the officer so removed,
 36 and continue in office until the general election for members of the
 37 Assembly next following, and until his successor is duly elected and
 38 qualified.

SEC. 51. Each County Treasurer shall keep all money received
 2 by virtue of his office in his own possession in a secure iron or steel
 3 safe in his office, or, if there be no safe therein, then he may keep
 4 the same on special deposit, but he shall be held responsible therefor

5 wherever the same be kept ; and no person except the Treasurer or
 6 his deputy shall receive or pay out any money in his office ; and
 7 when any money shall be paid to the County Treasurer he shall
 8 give to the person paying the same a receipt therefor, which receipt
 9 such person shall forthwith deposit with the County Auditor, who
 10 shall charge the Treasurer therewith, and give the person paying
 11 the same an acquittance.

SEC. 52. The Treasurers of the respective counties shall, at all
 2 times, hold themselves in readiness to settle and pay all moneys in
 3 their hands whenever required to do so by an order signed by the
 4 Controller and Treasurer of State ; and the Treasurer and Controller
 5 of State are hereby authorized to draw such orders whenever they
 6 deem it proper. The Treasurers of the Counties of Amador, Ala-
 7 meda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra,
 8 Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara,
 9 Tuolumne and Yuba, respectively, shall, on the second Mondays of
 10 November, February, May and August of each year, and the County
 11 Treasurers of other counties of this State shall, on the second Mon-
 12 days of November and May in each year, proceed to the State Cap-
 13 ital, and shall settle in full with the Controller, and pay over in cash
 14 to the Treasurer of State all funds which shall have come into their
 15 hands as County Treasurers for the use and benefit of the State,
 16 taking therefor a receipt from the Treasurer of State, which receipt
 17 he shall forthwith file with the Controller ; and any County Treas-
 18 urer who shall fail, neglect or refuse to appear at the office of the
 19 Controller and Treasurer on the days above specified, or within
 20 fifteen days thereafter, and then and there settle and make payment
 21 as required by this Act, shall forfeit all fees, percentage and mile-
 22 age which would have otherwise been due him on said settlement ;
 23 and the Controller is hereby authorized and required to withhold all
 24 such fees, percentage and mileage, and require the same to be paid
 25 into the Treasury for the use and benefit of the State. Before mak-
 26 ing any settlement, each County Treasurer shall produce to the Con-
 27 troller of State a report from the County Auditor, together with a
 28 duplicate thereof, stating specifically the amount due the State from
 29 each particular source of revenue, the original of which shall be filed
 30 with the Controller of State, who shall enter upon the same, and also
 31 upon the duplicate, the cash paid to the Treasurer of State, and also
 32 the commissions and mileage allowed to the County Treasurer for
 33 his payments. The County Treasurer shall file the duplicate report
 34 with the County Auditor of his county, whereupon the Auditor shall
 35 balance the Treasurer's account ; and it shall be the duty of the
 36 Auditor to furnish the Treasurer with the report which such Treas-
 37 urer is required to produce in making his settlements with the State.

SEC. 53. And each County Treasurer shall, at the time of making
 2 his settlement with the Controller, produce to him statements of all
 3 transactions had in foreign miners' licenses, State and county licenses
 4 and poll tax receipts since the last settlement, which statement shall
 5 be made by the County Auditor, according to the forms which shall
 6 be furnished him by the Controller of State for that purpose ; and
 7 each County Treasurer shall, at the same time, produce to the Con-
 8 troller of State the certified statement of the County Auditor of the
 9 amount allowed and paid to the County Assessor, Taxcollector and

10 Auditor, as authorized by law, and no County Treasurer shall be
 11 allowed to make any settlement with the Controller of State, or
 12 in any manner to release himself and bondsmen from liability for
 13 the full amount of money by him received, unless he produce to the
 14 Controller the statements required by this section.

SEC. 54. County Treasurers having money on hand belonging to
 2 the State exceeding five thousand dollars, unless and until otherwise
 3 directed by the State Controller, shall forward the same, in sums
 4 not exceeding five thousand dollars on the same day, to the State
 5 Controller, by Wells, Fargo & Co.'s Express, always taking a valid
 6 and sufficient insurance policy from said company, to insure the safe
 7 delivery thereof. All such sums of money so received by the Con-
 8 troller shall be counted, if in gold, and counted, examined and
 9 weighed, if in silver coin, and when found correct the Controller
 10 shall immediately pay the same over to the State Treasurer, taking
 11 his receipt therefor in the name of the County Treasurer sending
 12 the same, charging the State Treasurer therewith, and returning to
 13 said County Treasurer the said State Treasurer's receipt for the
 14 same.

SEC. 55. All payments and settlements required to be made by
 2 any County Treasurer to or with the State Treasurer, under this or
 3 any other Act, when the amount to be paid does not exceed the sum
 4 of five thousand dollars, may be made and effected by forwarding
 5 the money for such payment by said Wells, Fargo & Co.'s Express
 6 Company aforesaid, and taking their insurance policy as aforesaid
 7 (together with the official report or statement required), to the Con-
 8 troller of State; and upon receiving such money and report, the
 9 State Controller and State Treasurer shall make such settlement in
 10 the same manner as though such County Treasurer were present,
 11 and the Controller shall forward to the County Treasurer from
 12 whom the same was received the proper statement and receipt upon
 13 such settlement. And all County Treasurers shall make their pay-
 14 ments into the State Treasury, and all their settlements with the
 15 State Controller and State Treasurer, in the way and manner pro-
 16 vided in this and the next preceding section, and shall not be allowed
 17 any compensation for travelling to or from the office of the State
 18 Treasurer, excepting only when they or any of them are expressly
 19 directed or required by the State Controller to be present at his or
 20 at said State Treasurer's office.

SEC. 56. The Auditor, the Sheriff, and one of the Assessors, and
 2 the President of the Board of Supervisors, or a majority of them,
 3 at least as often as once within every three months, in all counties,
 4 and as often as once or twice a month, and every month in each
 5 year, in counties where the revenue paid the County Treasurer
 6 exceeds one hundred thousand dollars per annum (but on what par-
 7 ticular day they shall neither agree upon beforehand nor disclose),
 8 shall enter the office of the County Treasurer and proceed to exam-
 9 ine and count the money therein. The Treasurer, on being informed
 10 of the object of their visit, shall immediately expose to their view
 11 and afford them every facility to count all the money in the Treas-
 12 ury; and they shall not fail nor neglect, on the ground of courtesy

13 nor under any pretext or excuse whatever, to determine by actual
 14 examination the total sum of money in the Treasury; and after having
 15 themselves made an actual and bona fide count of all gold coin, and
 16 actually examined and counted, or weighed, all silver coin, but not
 17 before, they, or some one of them, shall swear the Treasurer as to
 18 the correctness of their count; and if he cannot swear that their
 19 count is correct, he shall swear to the amount which a correct
 20 count would show, and shall then and there point out to them the
 21 mistake, if any, which they had made. Having ascertained with
 22 certainty the amount of the money, they shall each sign a statement
 23 of the total sum of money in the County Treasury on that day, and
 24 deliver such statement to the Auditor. The Auditor shall thereupon
 25 ascertain the amount of said money belonging to the State, and the
 26 amount thereof belonging to the county, or any part or division
 27 thereof, and forward a statement thereof by mail to the State Con-
 28 troller. Any said officer knowingly and wilfully refusing or neglect-
 29 ing to make said examinations as aforesaid, shall be guilty of mal-
 30 feasance in office and may be removed therefrom for that cause.

SEC. 57. If at any time any County Treasurer shall take out of
 2 the County Treasury, for his own use or the use of any other person,
 3 or shall use himself or permit any other person to use, or shall take
 4 or permit any person to take, have or use, under any circumstances
 5 or pretext whatever, any sum of money paid to him as County
 6 Treasurer, or collected by him as ex officio Taxcollector, or in any
 7 way appertaining or belonging to the County Treasury under his care,
 8 and exceeding in all the sum of twenty-five dollars, except in pay-
 9 ment of demands on said Treasury, as directed and required by law,
 10 he shall be guilty of grand larceny, and on conviction thereof shall
 11 be punished by imprisonment in the State Prison for not less than
 12 six months nor more than ten years; and any defalcation in
 13 the sum of money belonging to any County Treasury exceeding
 14 said sum of twenty-five dollars shall be of itself prima facie proof
 15 that the same was feloniously taken therefrom by the County Treas-
 16 urer having the care thereof. And any Clerk or employé of any
 17 County Treasurer, and any officer or other person who shall see or
 18 in any manner ascertain and know that a County Treasurer has
 19 so unlawfully used or taken, or permitted to be used or taken, as
 20 aforesaid, any money belonging to the County Treasury exceeding
 21 the sum of twenty-five dollars, as aforesaid, and who shall not report
 22 the same to the District Attorney of the county as soon as he can
 23 after knowing of the commission of such crime, shall be deemed and
 24 adjudged an accomplice and *particeps criminis* of such Treasurer, and
 25 on conviction thereof shall be punished in the same manner and to
 26 the same extent as the principal offender, as aforesaid.

SEC. 58. At any time when the Auditor or any other officer or
 2 person shall discover any defalcation in the accounts of the County
 3 Treasurer, or any deficiency in the amount of money which should
 4 be in the Treasury under his care, he shall immediately and secretly
 5 disclose the fact of such default to the District Attorney, and there-
 6 upon the District Attorney, Auditor, Taxcollector, Assessors and
 7 President of the Board of Supervisors, or a majority of them, shall
 8 forthwith privately suspend such Treasurer from office, and privately
 9 proceed to thoroughly examine the question of such defalcation;

10 and before taking any steps, if such defalcation seem probable, the
 11 District Attorney, on his own complaint, shall cause the Treasurer
 12 to be privately arrested and safely confined until said examination
 13 be had. If any defalcation be found to actually exist, the officers
 14 aforesaid, or a majority of them, shall remove such Treasurer from
 15 office and appoint a suitable person to fill the vacancy, who shall
 16 give the like official bond required of his predecessor, be subject to
 17 like duties and responsibilities, be paid the same compensation, and
 18 continue in office until the general election next following, and until
 19 his successor be duly elected and qualified.

SEC. 59. The District Attorney is commanded and required to
 2 receive every disclosure of any such defalcation as aforesaid as a
 3 confidential communication made to counsel, and he shall never be
 4 required to disclose the name of the person making the same, under
 5 oath or otherwise; and if he make such disclosure to any one con-
 6 trary to the express request of the person making the same, he
 7 shall be removed from the Bar and have his license taken from him,
 8 or be suspended from the right to practice in any of the Courts of
 9 this State for a term of months or years, as the Court, on applica-
 10 tion, may deem best and may by order prescribe.

SEC. 60. Whenever any County Treasurer shall be found in
 2 default, as aforesaid, the District Attorney shall forthwith bring an
 3 action against such Treasurer and his sureties to recover the amount
 4 of such defalcation; and if it shall appear on the trial that such
 5 defalcation occurred by the criminality of the Treasurer as afore-
 6 said, the Court shall order judgment against him and the sureties on
 7 his official bond for the amount of the defalcation, together with
 8 interest thereon at the rate of five per cent. per month from the
 9 time of such felonious taking to the time of the payment or recov-
 10 ery of the amount thereof; and at the same time, and in addition
 11 thereto, the District Attorney shall institute criminal proceedings
 12 against such Treasurer, and see to it that, without fear or favor, he
 13 be punished according to law.

SEC. 61. The Auditor shall take care, in making up the informa-
 2 tion roll, to note the dates of each and all payments for taxes, and
 3 see to it that the officer acting as Taxcollector has not, by over-pay-
 4 ments to the Treasurer, or otherwise, defrauded the Government out
 5 of any sum imposed as a penalty against negligent taxpayers, as
 6 aforesaid. And he shall, by noting the amount of taxes paid each
 7 month into the County Treasury, by swearing the officer acting as
 8 Taxcollector, and by such other proofs and such other means as may
 9 be devised, see to it that the Taxcollector be not charged too much
 10 nor too little on account of the additions of such penalties. And
 11 on and after the first of October the Auditor shall charge the officer
 12 receiving any roll as Taxcollector the additional sum of five per
 13 cent. per month on all taxes not theretofore collected and paid over
 14 to the Treasurer, as per the Treasurer's receipts in his office. And
 15 on all final settlements with any officer acting as the Taxcollector,
 16 and on the making out of the information roll as aforesaid, he shall
 17 allow such abatement of such penalty as the Taxcollector shall
 18 legally prove himself entitled to receive.

SEC. 62. If any Assessor or Sheriff, as ex officio Taxcollector, shall, either directly or indirectly, use, loan, employ, or in any manner place out of his possession, otherwise than as on special deposit, any funds belonging to, or collected by, or paid to him, for the use and benefit of the State, or of any county, or town, or city, or village, or school district, he shall be guilty of a misdemeanor, and upon conviction thereof shall be forthwith removed from office, and shall also be punished by a fine in any sum not exceeding five thousand dollars, or imprisonment in the County Jail for any time not exceeding one year, or by both such fine and imprisonment.

SEC. 63. Whenever any allowance is made to any Auditor, as in this Act authorized, the Clerk of the Board of Supervisors shall certify the account so allowed to the Auditor, who shall draw his warrant on the County Treasury for the same; and the Auditor shall make a certified copy of the account, and furnish such copy to the County Treasurer, who shall pay such account to the Auditor, and take his receipt thereon; and the Treasurer, on making his quarterly or semi-annual settlement, shall present, with the Auditor's statement, such copy of the account allowed by the Board to the Auditor, indorsed and receipted as herein provided, and the Controller shall allow him, on the part of the State, one half the amount so paid.

SEC. 64. No Sheriff, or other officer acting as Taxcollector, shall respect any order of injunction, except so far as the same is applicable to the taxes for which the parties suing out such injunction are liable, unless satisfied the Court has enjoined the entire roll in his hands for collection. In such event, the time during which his whole collections are enjoined shall not run, but he is given the same time after such injunction is removed as he had when it was imposed. In case of any such action, it is made the special duty of the Attorney-General and the District Attorney of the county to see to it that injustice be prevented; and all persons procuring such injunction to be issued, the Judge signing the same, and the Sheriff or other officer serving it, and all and every the persons engaged in aiding and abetting the same, shall be each severally individually liable, in a civil action, for the entire amount of the taxes enjoined, *provided* it be judicially decided and determined that such injunction was issued in violation of law and without probable cause; and said injunction being issued without probable cause, they shall be each further liable in a criminal action for a conspiracy to cheat, defraud and harass the Government, and on conviction shall be each severally punished by imprisonment in the State Prison for not less than six months nor more than six years.

SEC. 65. The County Treasurer and the County Auditor shall each, separately, perform the duties required of him in his office, and shall not perform the duties of any two offices under this Act, except as provided by law for the County Treasurer to collect taxes on the duplicate assessment roll; and any officer who shall at the same time perform the duties of any two offices in any manner connected with the public revenue, except in the manner expressly authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the County Jail for not more

10 than one year, and by a fine of not less than two hundred dollars
 11 nor more than one thousand dollars, or by both such fine and im-
 12 prisonment, and shall forthwith be removed from office.

SEC. 66. The books, papers and accounts of each officer in regard
 2 to the assessment or collection of taxes, or to the receiving, auditing,
 3 or disbursing moneys collected for the use or benefit of the State,
 4 or of any county, or city, or town, or village, or school district,
 5 shall at all times during office hours, when not necessarily in use by
 6 the officers, be open for any person to inspect or copy, without fee or
 7 charge.

SEC. 67. Any Assessor, or Deputy Assessor, or Auditor or mem-
 2 ber of the Board of Equalization, or Clerk of said Board, or other
 3 person having access to the rolls or papers as clerk or copyist, or
 4 otherwise, who shall knowingly make out, or consent to or permit
 5 the making out of any assessment roll, transcript of assessment
 6 roll, or any individual assessment, or the copy of any roll or the
 7 amount of any assessment, knowing the same to be grossly false,
 8 incomplete or deficient, or who shall alter or change the amount of
 9 any assessment or the description of any property stated therein,
 10 except as required or authorized by law, shall, together with all
 11 sureties on their official bonds, respectively, be liable to the State in
 12 any action at law for the full amount of the deficiencies therein;
 13 and shall also be guilty of misdemeanor, and on conviction thereof
 14 shall be punished by a fine of not less than one hundred dollars nor
 15 more than five thousand dollars, and by imprisonment in the county
 16 jail for not less than one month nor more than two years.

SEC. 68. The Auditor and Treasurer of every county shall, on
 2 the first Monday in January and July in each year, make a joint
 3 statement to the Board of Supervisors, showing the whole amount
 4 of collections (stating particularly the source of each portion of the
 5 revenue) from all sources paid into the County Treasury; the funds
 6 among which the same was distributed, and the amount to each;
 7 the total of warrants drawn and paid, and on what fund; the total
 8 amount of warrants drawn and unpaid; and accounts and claims
 9 audited, or allowed and unpaid, and the fund out of which they are
 10 to be paid; and generally make a full and specific showing of the
 11 financial condition of the county.

SEC. 69. The compensation allowed to the County Assessors and
 2 the ex officio County Taxcollector of each and every county in the
 3 State is six per cent. of the entire gross amount received into the
 4 Treasury of the county from all and any kind of taxes collected by
 5 the ex officio County Taxcollectors respectively, two per cent. thereof
 6 to be paid to the said Taxcollectors on the amount each respectively
 7 collects and pays over according to law, and two per cent. thereof
 8 to be paid to each of the Assessors of the county wherein the same
 9 are collected; *provided*, however, that no county shall exact nor
 10 County Treasurer withhold from the moneys coming to the State
 11 more than the sum of eight per cent. for the entire expenses of the
 12 collection thereof; and *provided* further, that whenever any county
 13 shall pay, or be lawfully required to pay to said officers, or to any of
 14 them, a salary or fixed compensation, then the said percentages

15 shall not be paid to such officer or officers so paid by salary or a
 16 fixed compensation, but in that case the same shall be reserved as a
 17 fund out of which to pay such officers the compensation to which
 18 they may be respectively entitled; and *provided* further, that said
 19 percentages, when allowed and paid to said Assessors and Taxcol-
 20 lector, shall be in complete payment for all and every kind of labor
 21 performed by such Assessors and Taxcollector, or their, or either or
 22 any of their deputies or assistants, and for all and every kind of ex-
 23 penses by them, or either or any of them, in any manner paid or
 24 incurred in or about the labor of assessing all the persons or prop-
 25 erty in their county, as required by this Act, or in or about the
 26 labor of collecting all the taxes due and collectable thereon as pro-
 27 vided by this Act, said percentages being, and being intended to be,
 28 in full compensation for assessing and for collecting the same.

SEC. 70. There shall be allowed and paid to the County Assessors
 2 as ex officio Taxcollectors, for collecting all poll taxes and license
 3 tax and foreign miners' license tax, the following rates on all moneys
 4 collected and paid over by them in each fiscal year, commencing on
 5 the first day of January in each year: Six per cent. on the first ten
 6 thousand dollars; four per cent. on all over ten thousand dollars and
 7 under twenty thousand dollars; three per cent. on all over twenty
 8 thousand dollars and under fifty thousand dollars; and two per cent.
 9 on all sums over fifty thousand dollars. The said collectors of taxes
 10 shall also receive one dollar for each business license sold, one half
 11 of which shall be paid to the County Auditor. The Assessor and
 12 his deputies and the other ex officio Taxcollectors and their deputies,
 13 respectively, in the counties where each respectively is paid by the
 14 month or day, or year, and not by the percentages allowed by this
 15 Act, shall keep a correct account of the number of days they have
 16 been employed in the discharge of their official duties, and shall
 17 verify the same on oath, and present said account to the Board of
 18 Supervisors, who, if satisfied of the correctness of the same, shall
 19 allow it, and order payment to be made at the rate of six dollars
 20 per day when employed in any city or incorporated town, and eight
 21 dollars per day when employed without the limits of such city or
 22 incorporated town; *provided*, that in the Counties of Humboldt,
 23 Napa, Los Angeles, Santa Barbara, Monterey, San Louis Obispo and
 24 Sacramento, the Assessors shall be allowed by the Board of Super-
 25 visors a reasonable compensation for their services, not exceeding
 26 five dollars per day; *provided* further, that in the counties of Marin,
 27 Contra Costa, Calaveras, Mendocino, Sutter, Tulare, Sonoma, Ala-
 28 meda, Solano and Santa Clara, the Assessors shall be allowed a rea-
 29 sonable per diem for their services, not exceeding six dollars per
 30 day; *provided* further, that nothing in this Act, as to percentage for
 31 the collection of property taxes, shall be construed to alter, amend,
 32 or in anywise interfere with the laws now regulating the compensa-
 33 tion of officers in counties where specific salaries are allowed by law.
 34 All county officers who are required under this Act to copy any
 35 assessment roll or delinquent list shall receive in payment for the
 36 same an amount, to be allowed by the Board of Supervisors of the
 37 respective counties, not to exceed the rate of ten cents per folio of
 38 one hundred words. The County Treasurer shall be allowed two
 39 per cent. on all money disbursed by him; he shall also be allowed
 40 twenty cents per mile for travelling to and from the seat of govern-

ment, when requested so to do by the Controller, to make any settlement. No County Treasurer shall be entitled to any percentage or compensation upon School Fund moneys. The amount allowed and paid out of the County Treasury to the collectors of taxes, Assessors and Auditors, for services under this Act, shall be apportioned by the Auditor in proportion to the amount of State tax and charged to the State and county ratably in said proportion, and a verified statement of the amount allowed by the Board of Supervisors to said officers shall entitle the Controller to credit the County Treasurer with such amounts.

SEC. 71. Whenever any Assessor, Collector, Auditor, Treasurer, or other officer upon whom any duties devolve under this Act, or under any other Revenue Act of this State, shall be accused of any neglect or malfeasance in office, and an issue of fact shall have been joined under any presentment made or proceeding commenced to remove such officer from his office, the Board of Supervisors (and in case such officer be a Supervisor, the County Judge) shall have power to suspend such Assessor, Collector, Auditor, Treasurer, District Attorney or other officer, from his powers and duties under this Act and to appoint a competent person in his place until the proper tribunal shall have either removed or acquitted such suspended officer; and any act performed by any such temporary officer shall be as valid and of the same force and effect as if performed by the suspended officer; *provided*, however, that such appointee shall first qualify and give such bond, with sureties, for the faithful performance of the duties of such office as may be required of persons elected thereto.

PROVISIONS GOVERNING ASSESSMENTS OF BOTH REAL AND PERSONAL PROPERTY.

SEC. 72. The better to insure equality and uniformity in assessments, all property appertaining to persons is divided into two classes, namely: real property and personal property. As used in this Act, the term real property shall be held and construed to include all lands and all the buildings and fixed improvements thereon; and the term personal property shall be construed to include all proceeds, profits, and every species of property whatsoever, except real property.

SEC. 73. In every assessment of property, real or personal, the assessment shall be invariably made under the name of the owners, holders or claimants thereof, unless they cannot be ascertained by the Assessor, in which case the same shall be assessed under the designation of unknown owners.

SEC. 74. In assessing property, real or personal, the Assessors shall first ascertain the actual market value thereof as near as may be, and then deduct, equally and uniformly, one third from all such values, to cover fluctuations, uncertainties and risks therein; and in assessing real property they shall classify the same within certain districts, and average the value therein, and assess and tax all equally within the same district, without reference to buildings or structures thereon, and without any reference to the ownership

9 thereof; and afterward add thereto the value of the buildings or
 10 structures on each lot or parcel of land according to their market
 11 values as aforesaid, and allowing the deduction as aforesaid; or they
 12 may assess the same at the rate for which the same would be readily
 13 received as good security for the loan of money.

SEC. 75. In all assessments the Assessors shall take care to have
 2 all the property, real and personal, so assessed and described that
 3 from the assessment rolls in their offices, respectively, it can be
 4 readily seen and determined how much assessable property is situated
 5 in each city, town, village and school district in their county, having
 6 defined limits or known boundaries, so that no city, town, village,
 7 or school district, having any tax to collect, need require any other
 8 or different assessment to ascertain or collect the same. And the
 9 Assessors, whenever required so to do by the authorities of any city,
 10 town, or village, or school district, in their county, incorporated or
 11 unincorporated, shall make out and certify from the assessment rolls
 12 in their office, a correct assessment of all the property, both real
 13 and personal, in the city, town, village, or school district requiring
 14 the same. And for making out such transcripts of assessments, and
 15 certifying the same to be correct, they may charge and demand from
 16 the authorities requiring the same not exceeding ten cents per folio
 17 for each folio thereof. And in order to restrict the power of assess-
 18 ment, and to prevent abuses in assessments (vide State Constitution),
 19 all such transcripts of assessments so duly taken and certified from
 20 any assessment made under or in pursuance of this Act shall be
 21 deemed, adjudged and held as good, valid, equal and legal, to all in-
 22 tents and purposes whatsoever, as though made by an Assessor for
 23 such city, town, village or school district only (except in incorpor-
 24 ated cities, towns and villages where the acts of incorporation
 25 respectively otherwise provide), and the same shall be adopted, and
 26 be legal, binding and obligatory for the purpose of collecting any and
 27 all special or local taxes for city, town, village or school district pur-
 28 poses, as well as for State and county purposes. And all Assessors
 29 of counties shall be deemed, held and adjudged Assessors of each,
 30 all and every part and division thereof, and a multiplicity of assess-
 31 ments shall not be allowed.

SEC. 76. County Assessors who shall fail or neglect, under any
 2 pretext, to assess all the persons, companies and corporations, and
 3 property, real and personal, in the county of which they are Asses-
 4 sors, separately, and according to the boundaries of each political
 5 division therein as aforesaid, and in such manner that the persons,
 6 companies, corporations and property in each said division in the
 7 county can be seen separately stated in the assessment roll, shall be
 8 guilty of malfeasance in office, and, together with the sureties on
 9 their official bonds respectively, shall be liable in an action at law
 10 by any person or officer interested, for the full amount of all the
 11 salaries and compensation due or owing to each and every officer of
 12 any town, city and unincorporated village in such county requiring
 13 such assessment, and for all the necessary expenses of the local gov-
 14 ernments thereof; and moreover, the Board of Supervisors of the
 15 county shall, for said cause, immediately remove such Assessors from
 16 office for gross negligence or incompetency therein.

SEC. 77. When any error or defect in form shall occur in any assessment roll, or information roll, or delinquent list, or other official proceeding, relating to the public revenue or taxation, whether by omitting the sign "\$," or the word "dollars," or "cents," at the head of columns or elsewhere, when dollars and cents are understood or intended by the figures used; or in the description of any property assessed, when the identity of the property intended can be ascertained, or in the name or names of the owner or owners of such property, or in calculating or carrying out into the proper columns the amount of taxes, or any cost or percentage thereon or otherwise, when the amount of such taxes, costs or percentage has been previously fixed by or in pursuance of law, whenever from the said assessment roll or other official document or proceeding and record or records connected therewith it can be ascertained what was intended, the Assessor in office, by and with the advice and consent of the District Attorney, shall have power to amend all such omissions, errors and defects aforesaid upon the proper books, papers and documents when found to exist. And these provisions shall apply as well to assessment rolls, duplicate assessment rolls, information rolls, delinquent lists, and official acts aforesaid, which have heretofore been made or taken, as to those which shall hereinafter be made; but shall not be construed to affect the validity of any sales for taxes that have been heretofore made; nor shall any correction of an assessment roll, duplicate assessment roll, delinquent list, or other official proceeding relating to the public revenue or taxation, be made after sale for taxes of the property affected thereby; nor shall the regularity and validity of any tax sale be questioned on any ground whatsoever except the single ground that the taxes were paid before the sale took place; nor shall the neglect of any officer to perform any act within the time fixed by this Act for the performance thereof invalidate any assessment; nor shall any error in following a form prescribed by law vitiate any act in substantial compliance with such form. And should any Assessor be guilty of omitting to state the amount of any assessment, the Assessors may correct the same at any time before the last Monday in July or before the duplicate assessment roll is delivered to the Tax-collector for collection. And whenever the Auditor discovers an error or omission in the assessment roll, he shall immediately call the attention of the Assessors thereto and require the correction thereof.

SEC. 78. Where a person is assessed as trustee, guardian, executor, or administrator, he shall be assessed as such with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment; and the real property so held by him shall be assessed at its value, and the personal assets by deducting the amount of just debts due from him as such representative, the same as in other cases, and in all other respects he shall be assessed and may be sworn as to receipts or as to personal property in his hands as such trustee, guardian, executor or administrator.

SEC. 79. Any person giving to an Assessor or Deputy Assessor, in the performance of the duty required under the Revenue Laws,

3 a false name or a false place of residence, or wilfully refusing to give
 4 the statement of personal property and receipts in manner and form,
 5 and under oath or affirmation, as directed by this Act, shall, in addition
 6 to all and any other penalties prescribed by this Act, be guilty
 7 of misdemeanor, and on conviction thereof shall be punished by a
 8 fine of not less than five dollars nor more than five hundred dollars,
 9 and by imprisonment in the County Jail for not less than one day
 10 nor more than six months, or by both such fine and imprisonment.

ASSESSMENTS OF REAL PROPERTY.

SEC. 80. Real property shall be assessed equally and uniformly, and
 2 the taxes when due thereon shall become a lien absolute, and shall
 3 be enforced by proceeding directly and only against the real prop-
 4 erty itself *in rem.*, and without regard to the ownership thereof, and
 5 according to the amount thereof, ascertained and fixed as directed
 6 by this Act, and in the manner in this Act provided.

SEC. 81. Every farm, rancho, tract, lot, piece or parcel of land
 2 separately owned or possessed shall be separately listed, described
 3 and assessed, according to such separate ownership or possession.
 4 The Assessor shall adopt the description and boundaries of real
 5 property supplied him by the owners or claimants for the purpose
 6 of having the same correctly assessed, unless such description, in his
 7 opinion, be too indefinite, prolix or conflicting, in which case he may
 8 correct the same. But he may require of any person furnishing or
 9 assisting in supplying any such description a statement on oath that
 10 he is the person in possession of the real property, and that no
 11 other person is in possession of any part thereof except his tenants
 12 or persons holding under him; or that he is the owner of the prop-
 13 erty, and that no person is in possession of any part thereof claiming
 14 adversely to him. All real property shall be assessed according to
 15 the divisions, lots, farms or tracts in which the same is actually held
 16 and possessed, as far as it is possible to ascertain and describe the
 17 same in conformity with such actual holdings. And where large
 18 ranchos or tracts of real property are assessed, including such hold-
 19 ings, such holdings shall be separately assessed and excepted there-
 20 from. But the same lot, piece or parcel of land, being one sepa-
 21 rately described in the assessment roll, as aforesaid, shall not be
 22 again described or included therein; but all other persons being
 23 claimants thereof, and desiring to have the same assessed to them,
 24 shall have their names inserted with that of the person in whose
 25 name it was first assessed. Any Assessor who shall knowingly or
 26 by gross carelessness assess the same property twice in the same
 27 assessment roll shall be guilty of malfeasance in office, and shall be
 28 liable to immediate removal from office on due proof thereof. The
 29 official maps or plans of cities, and duly recorded maps of private
 30 property, should be adopted for convenience of descriptions. If the
 31 property consists of a full lot, designated by number on any official
 32 map of a city, town or village, then it shall be a sufficient descrip-
 33 tion by assessing it under the designation of such number on such
 34 map; if it consists of a part of such lot, then the part must be
 35 described by boundaries, or such other description as may render
 36 certain the part intended.

SEC. 82. When two or more persons shall own or hold distinct and separate portions of the same city, town or village lot, or of any farm, rancho or tract of land, and the Assessor shall have assessed the whole thereof in one assessment, and such persons shall desire to pay the taxes on their own portions thereof and no other, the Taxcollector is directed and authorized to apportion the tax and the percentage due thereon, if any, on their different parts of the same real property, and thereupon said several parts shall become liable for the tax so adjusted thereon the same as though they had been so originally assessed.

SEC. 83. Where separate owners of the same lot or tract, or any of them, shall make and deliver to the Assessor a description of their several holdings, he shall assess the same according to the descriptions so furnished (unless shown to be erroneous); and if he shall wilfully or without any sufficient cause refuse to so assess the same, he shall be liable to the person or persons so endeavoring to be correctly assessed for the full amount of their and each of their assessments thereon.

SEC. 84. When the fee or legal title to any real property is still in the Government of the United States, or of this State, the possessory right or equitable claim asserted or pretended thereto by any person, or company, or corporation, together with all the improvements thereon, shall be uniformly and equally assessed and taxed in proportion to the just and fair value thereof, the same as real property is required to be assessed; and in case the taxes thereon be not paid, it shall be sold to enforce the payment thereof, in like manner as real property; and the Taxcollector's or Sheriff's, or ex officio Taxcollector's deed or conveyance of the same shall be deemed good and effectual to pass to the purchaser every existing private title or claim, and every interest, right, title and equitable and legal claim asserted or pretended thereto by any person, or company or corporation claiming, possessing or pretending to the same. All kinds of mines existing upon any such real property, and being actually worked, not merely to retain possession but in good faith, and continually from year to year, and with manifest intent to procure valuable proceeds therefrom, shall not be included in any such assessment, but the extent thereof shall be excepted and reserved therefrom, the same being otherwise provided for in this Act.

SEC. 85. All lots, pieces and parcels of real property containing or supposed to contain gold, or silver, or lead, or quicksilver, or tin, or zinc, or coal, or coal oil, or asphaltum, or iron, or copper, or marble, or porphyry, or granite or stone quarries, or any other valuable metals or gems, or valuable substances whatever, calculated to increase or actually increasing the value of the real property containing the same, shall be justly and equally assessed, like all other property, according to the actual market value thereof, with a deduction of one third for risks, fluctuations and uncertainties in value, or at the full rate for which the same would be received as good security for the loan of money.

SEC. 86. The Board of Supervisors, or the County Assessors, of every county shall procure, at the expense of the county and for the

3 use of the Assessors and other revenue officers therein, a map of all
 4 the lands in the county, representing all the private land claims and
 5 all the cities, towns, villages, school districts or other political divi-
 6 sions into which the same is divided, together with the sections
 7 thereof in accordance with the land surveys of the United States ;
 8 or, if no such map be published, they shall cause one to be projected
 9 by the County Surveyor of the county, as nearly accurate as may
 10 be without measurement in the field (unless such measurement be
 11 expressly ordered by the Board of Supervisors of the county) and
 12 on a scale of sufficient magnitude to be of use to the Assessors in
 13 delineating thereon, as near as may be, all the assessable real prop-
 14 erty of the county ; and the Assessors shall use said map as a guide for
 15 the certain and correct performance of their duties, and shall delin-
 16 eate or cause to be delineated on said map all lots, farms, tracts,
 17 pieces and parcels of real property in the county claimed by or in
 18 the possession of any person, or company or corporation ; and all
 19 descriptions of real property contained in the assessment roll of the
 20 county shall be delineated thereon as accurately as may be ; except-
 21 ing, however, that in all cases where an official map can be procured
 22 of any city, town or village therein, or where an authentic private
 23 survey and map of any other portion of the county is furnished the
 24 Assessors, or can be readily obtained by them, the same shall be
 25 adopted by them as their guide and means of description, being first
 26 outlined on said county map ; and no place shall be left on said
 27 county map unassessed, except such as the Assessor knows to be
 28 public lands, and not claimed or in possession of any person, or com-
 29 pany or corporation.

SEC. 87. The Assessors shall also keep, in a book for that purpose,
 2 to be called the "Personal Roll," a list of all the taxpayers in the
 3 county, with their Post Office addresses thereto added ; and all resi-
 4 dent and non-resident taxpayers of the county shall have their
 5 names and addresses written therein by the Assessors, whenever
 6 they shall ascertain or be informed thereof, by letter or otherwise.
 7 Said personal roll shall follow the assessment roll, duplicate assess-
 8 ment roll and information roll, and be each year returned to the
 9 Assessors for changes or additions ; and to every person named
 10 therein shall be individually addressed and sent a copy of the circu-
 11 lars and notices required of every Taxcollector receiving a roll to
 12 collect or advertising property for sale ; and every Taxcollector, or
 13 person acting as such, who shall fail or grossly neglect to diligently
 14 and faithfully, by actually sending notices, keep all taxpayers
 15 thoroughly informed of all their proceedings until they pay their
 16 taxes, shall be deemed and adjudged guilty of malfeasance in office,
 17 and may be removed from office on due proof thereof.

ASSESSMENTS OF PERSONAL PROPERTY.

SEC. 88. Personal property shall be assessed and taxed equally
 2 and uniformly, according to the total value of all assets and of all
 3 proceeds and profits, as hereinafter specified, of each and every
 4 person, company and corporation having any personal property
 5 within this State. And the assessments thereof shall be first ascer-
 6 tained by compelling the holders thereof to give sworn statements
 7 of the total value thereof as hereinafter directed, and by the evi-

8 dence of any other persons whom the Assessors, or any of them,
 9 may summon or request to testify concerning the same; and all
 10 persons are made competent witnesses and demanded and required
 11 to testify concerning the same whenever thereto requested by any
 12 Assessor; and in case of any refusal, the Judge of any Court shall, on
 13 application of any Assessor, issue a subpoena and compel a refusing
 14 witness to testify, the same as in any judicial proceeding, and may
 15 impose a fine on such witness for so refusing of not less than one
 16 dollar nor more than fifty dollars, for each and every such refusal
 17 made on a different day.

VESSELS AND BOATS.

2 SEC. 89. All ships, steamers and vessels of every class, which are
 3 by law required to be registered, shall be assessed equally and uni-
 4 formly according to their value, and the taxes thereon shall be paid
 5 only in the county, or city and county, where the same are regis-
 6 tered, enrolled or licensed; and all vessels, and their tackle and
 7 apparel, shall be liable for and may be sold to enforce the payment
 8 of all taxes due thereon, the same as personal property. And any
 9 Assessor who shall wilfully and knowingly assess, and any Taxcol-
 10 lector, or ex officio Taxcollector, who shall wilfully and knowingly
 11 demand or receive, any tax on any such vessel, or her tackle, or fur-
 12 niture or apparel, except in the county, or city and county, where
 13 the same is registered, or enrolled or licensed, shall be guilty of mis-
 14 demeanor, and on conviction thereof shall be punished by a fine not
 15 less than five hundred dollars nor over two thousand dollars, or by
 16 imprisonment in the County Jail for not less than one month nor
 17 over one year, or by both such fine and imprisonment. Assessors
 18 shall procure at the Custom-house in their county a list of the ves-
 sels to be taxed therein.

2 SEC. 90. Any owner or owners of any vessel in this State who,
 3 whilst residing and owning the same in this State, shall cause or con-
 4 sent to the same being registered, enrolled or licensed in any port
 5 out of this State, shall be deemed, held and adjudged to have so
 6 registered, or enrolled or licensed the same for the purpose of
 7 defrauding the revenues of this State, and the same shall be assessed
 8 and taxed in this State regardless of such other enrollment, license
 or registration out of this State.

2 SEC. 91. All boats or small craft not required to be registered shall
 3 be assessed and taxed in the county where the same belong; and the
 4 Assessors shall deem the same to belong in the county wherein they
 5 are found, unless he receive legal proof to the contrary, or unless
 6 shown a valid receipt for the taxes thereon for the same year from
 the Taxcollector of some other county.

WAREHOUSES.

2 SEC. 92. Every warehouse-keeper or clerk, and every owner, or
 3 manager, or superintendent of every and any warehouse or store-
 4 house, or place where goods, wares or merchandise are stored or
 5 kept, within this State, who knows or can obtain access to the facts,
 is commanded and required to well and truly give to the Assessors,

6 or to their Deputy Assessor, when thereunto requested by either of
 7 them, a just and full statement, under oath, of all and every the
 8 packages of goods, wares and merchandise stored in his warehouse,
 9 or under his care or control, in any place, together with the names
 10 of the owners thereof, as far as it is possible for him to know or
 11 ascertain the same, or according to the best of his judgment, opinion
 12 or belief; and any such person who shall knowingly or wilfully
 13 refuse to make such statement to the Assessor or to his deputy,
 14 when requested so to do, as aforesaid, shall be guilty of misde-
 15 meanor, and on conviction thereof shall be punished by a fine of not
 16 less than three hundred dollars, nor more than one thousand dollars,
 17 for each and every such refusal, or by imprisonment in the County
 18 Jail for not less than ten days, nor more than thirty days, or by both
 19 such fine and imprisonment, for each and every such refusal.

CONSIGNED GOODS.

2 SEC. 93. Article six of an Act to provide revenue for the support
 3 of the Government of this State, passed May fifteenth, eighteen
 4 hundred and fifty-four, and all Acts and parts of Acts imposing or
 5 requiring any special regulation, tax or charge on consigned goods,
 6 or making any distinction, for purposes of revenue, between con-
 7 signed goods and any other goods, wares or merchandise, are hereby
 8 repealed. And every merchant or other individual who shall know-
 9 ingly omit, from any statement required by this Act, any goods,
 10 wares or merchandise, or other personal property subject to taxa-
 11 tion, under any claim, idea or pretext that the same are consigned
 12 goods, and therefore not taxable, or under any pretext whatever,
 13 shall be guilty of misdemeanor, and on conviction thereof shall be
 14 punished by a fine of not less than fifty dollars nor more than two
 15 thousand dollars, or by imprisonment in the County Jail for not less
 16 than ten days nor more than six months, or by both such fine and
 imprisonment for each and every such offence.

CONVEYANCES AND BARGAINS.

2 SEC. 94. Conveyances of property, real or personal, and bargains
 3 concerning the sale or delivery thereof, shall be held, for the pur-
 4 poses of revenue, to affect the title to the property only, and not to
 create new property.

2 SEC. 95. Bargains concerning property shall not be assessed
 3 where it is shown that the property concerning which the bargain
 is made is itself assessed.

2 SEC. 96. No conveyance of property shall be assessed where it is
 3 shown that the property conveyed is itself assessed; but all assets
 4 or proceeds and profits stated or estimated must invariably include
 all solvent debts exceeding actual bona fide existing indebtedness.

STATEMENTS OF PERSONAL PROPERTY.

2 SEC. 97. The better to insure equality and uniformity in the
 3 assessment and taxation of personal property, every owner, pos-
 sessor, claimant, manager or holder of any such property is required,

4 whenever thereto requested by any Assessor or Deputy Assessor of
 5 his county, at any time between the first day of January and the
 6 last Monday in June in each and every year, to make and deliver to
 7 the Assessor, or his deputy requesting the same, a fair, just, full and
 8 true statement of the value of all and every his assets, including the
 9 total amount of his wealth, and every species of property within
 10 this State owned, held or claimed and managed by him, as nearly
 11 and fairly as he can possibly estimate, and as it is in his power to
 12 ascertain the same, excepting only real property and vessels. Said
 13 statement shall be in the following form, to wit:

14 I, ———, being first duly sworn, do aver as follows: That I am
 15 of lawful age; that I reside in the village of ———, in the County
 16 of ———; that my business is that of a ———; that the total
 17 gross amount of all my assets, and all the property I am worth in
 18 the world, of every species, kind and description within this State,
 19 above the just debts I now actually owe and intend to pay, and
 20 excepting therefrom only vessels and real property, and the other
 21 property in this affidavit hereinafter stated, does not exceed the
 22 value of ——— dollars in gold coin; and that the total value of all
 23 and every the assets, jewelry, and every species of property belong-
 24 ing to my wife, or claimed by her, within this State, and excepting
 25 only mines, vessels and real property, does not exceed the value of
 26 ——— dollars; and that the total value of all the assets, and every
 27 species of property in this State under my control or management,
 28 and belonging wholly or in part to any partner, or to any person,
 29 firm, company or corporation out of this State, and excepting only
 30 mines, vessels and real property, does not exceed the value of ———
 31 dollars; and that the total gross amount of all sums of money
 32 received by me, or due and owing to me, wholly or in part, for
 33 interest on any loan, or money lent, or note, or mortgage, or debt,
 34 or bond, public or private, or in any way whatsoever within the
 35 entire year next preceding the thirty-first day of December last
 36 past, does not exceed the value of ——— dollars in gold coin. That
 37 the entire property in my hands belonging to the estate of any
 38 deceased person is that of the estate of ———, deceased; and, ex-
 39 cepting therefrom only vessels and real property, the whole thereof,
 40 including live stock and every kind of personal property, and all
 41 proceeds and profits taxed, does not exceed the value of ——— dol-
 42 lars. And that the entire amount of rents or of money received by
 43 me, or by any one for me, or collected or collectible for my use or
 44 benefit, under or in virtue of any lease or leases of any property in
 45 this said county, belonging to me or to any other person, or to any
 46 company or corporation in this State, or out of this State, does not
 47 exceed, during the entire year last past, ——— dollars, and that all
 48 the rent I have received or collected, as aforesaid, for or in behalf
 49 of any other person, company or corporation in this State, or out
 50 of this State, within the entire year last past, and on property
 51 within this said county, does not exceed ——— dollars, and the same
 52 was collected for ——— of the County of ———. And I do further
 53 make oath that all the sums by me hereinbefore stated are the actual
 54 gross sums of assets, and values, and money received for interest
 55 and for rents, without any deduction, and without any concealment,
 56 evasion or mental exception or reservation.

57 (Signed) ———.

58 Duly sworn before me this _____ day of _____, A. D. 18—.
 59 (Signed) _____,
 60 Assessor.

SEC. 98. If the Assessor shall have good reason to believe, and
 2 shall verily believe, that every item and estimate in such statement
 3 contained is as full, honest, truthful and exact as it is possible for
 4 any one to make, after careful calculations and examinations for the
 5 purpose of having the same correct and fully stated, then and in
 6 such case, but not otherwise, the Assessor shall deduct from such
 7 values, as from all other valuations, one third, for risks, fluctuations
 8 and uncertainties in values ; except as to so much of such statement
 9 as includes moneys received for interest, which shall, in all cases, be
 10 assessed without deduction, and at the full amount thereof.

SEC. 99. Every woman, married or single, having property, or
 2 carrying on business in her own or any other name, is required to
 3 make the same statement of all her personal property and receipts
 4 the same as other persons, and Assessors shall see to it that they
 5 are assessed equally with other persons.

SEC. 100. Any person desirous of making and keeping said state-
 2 ment confidential, on the ground that it would injure his business if
 3 made known, shall, by signing a demand to that effect on the affi-
 4 davit, render the same a confidential communication to the As-
 5 sessor. And any Assessor or Deputy Assessor who shall thereafter
 6 make the same known to any other person than an Assessor shall
 7 be deemed guilty of a misdemeanor, and on conviction thereof shall be
 8 punished by a fine of not less than fifty dollars nor more than five
 9 hundred dollars, or by imprisonment in the County Jail for not less
 10 than ten days nor over six months, or by both such fine and impris-
 11 onment, and shall also be liable in a civil action for all damages
 12 occasioned by such disclosure ; *provided*, always, that said statement
 13 was truthfully and fairly made.

SEC. 101. If any Assessor shall know or ascertain, or have good
 2 and sufficient reason to believe, that any statement made, whether
 3 confidential or otherwise, is notoriously and to a considerable amount
 4 less than it should be in any part thereof, then and in that case the
 5 Assessor shall not adopt the same as correct in those particulars
 6 which he shall verily believe to be falsely stated, but it is made his
 7 duty and he is commanded and required in all such cases, and with-
 8 out any fear or favor toward any person or persons whomsoever, to
 9 increase such erroneous sums to such additional amounts as he may
 10 verily believe to be just and equal with other property owners. And
 11 the amounts sworn to in such statements, or added thereto, as afore-
 12 said, shall be deemed and adjudged equal, uniform and valid assess-
 13 ments, except the same be changed in the latter case, as hereinafter
 14 provided.

SEC. 102. Whenever any Assessor shall add any amount to any
 2 statement, as aforesaid, he shall give immediate notice of such addi-
 3 tion to the person making the statement ; and if such person shall
 4 immediately, or within five days after receiving such notice, serve
 5 the Assessor with notice in writing that he will contest such

6 increased assessment, and make legal proof that said statement
 7 made by him or by his authority is true and correct, then the As-
 8 sessor shall not enter such increased assessment until five days after
 9 the receipt of such notice, nor then if the proceedings herein next
 10 authorized shall have been actually commenced within that time.
 11 But if such proceedings be not actually commenced and prosecuted
 12 within said five days, then the said increased assessment shall be
 13 entered, and shall thereafter and thereupon stand and remain the
 14 true, equal and valid assessment of such person, or firm, or com-
 15 pany, or corporation, as the case may be.

SEC. 103. Any person unwilling to submit to such increased as-
 2 sessment as aforesaid must apply forthwith to any Judge of a Court
 3 of record or Justice of the Peace in his county to have the same re-
 4 duced. The Judge shall immediately, or as soon as possible, hear
 5 and determine such application, and in chambers or elsewhere, as he
 6 may direct, but in private, if requested so to do by the applicant,
 7 and the Judge shall require the applicant to deliver to him a certi-
 8 fied copy of the statement, as signed and sworn by the applicant;
 9 but before hearing the application, the Judge shall receive proof
 10 that not more than ten days have elapsed between the day of re-
 11 ceiving the notice of the increased assessment and the time of
 12 making the application to the Judge. If the application be made
 13 within that time, but not otherwise, the Judge shall proceed to de-
 14 termine according to the legal evidence produced, the substance
 15 whereof he shall reduce to writing, whether the said statement made
 16 by the applicant was or was not substantially true and correct in
 17 the sums and amounts therein stated. And the Judge shall certify
 18 and sign his finding on the copy of the statement in his possession,
 19 and return the same, together with the evidence taken by him, to
 20 the Assessor. If the finding of the Judge shall be that the state-
 21 ment sworn to is substantially correct, then the Assessor shall enter
 22 the sums therein stated as the true and correct assessment in the
 23 case. But if the Judge shall find that the statement was not proven
 24 to be correct throughout, then the increased assessment, of which
 25 the Assessor gave notice, with such additional sum or sums added
 26 thereto, if any, as the Judge shall advise, shall be entered, and
 27 shall stand and remain the equal and valid assessment in the
 28 case. The Assessors shall, without charge, give to the person having
 29 made it a certified copy of any such statement for the purpose afore-
 30 said.

SEC. 104. Any Assessor or Deputy Assessor who shall wilfully,
 2 maliciously, or ignorantly and arbitrarily, or from personal prejudice
 3 or dislike, disregard any sworn statement given in conformity with the
 4 requirements of this Act, and increase the assessment beyond any
 5 of the sums therein specified, shall be liable in an action at law to
 6 the person injured for the full amount of losses and expenses in-
 7 curred thereby, and also to such additional and exemplary damages,
 8 not exceeding two thousand dollars, as may be awarded. But when
 9 the said statement shall be shown in any such action to have been
 10 false, or when the Assessor shall prove that from the general speech
 11 of people in the community, or from other apparently sufficient causes,
 12 there was good reason to believe, and that he actually did believe,
 13 that the said statement was false, and that in increasing the same

14 he was not actuated by private motives, but did act in good faith
 15 and with intent only to make taxation equal and uniform, then, and
 16 in that case, no recovery shall be had; and the Assessor shall have
 17 judgment against the plaintiff in such action for his costs and for
 18 such reasonable counsel fee for the counsel trying his case as he may
 19 have to pay, and not exceeding one hundred dollars in any case, nor
 20 such lesser sum as the Judge trying the cause may deem just and
 21 proper to allow.

2 SEC. 105. Every Assessor is required to demand and obtain the
 3 aforesaid sworn statement of property from every and all persons
 4 whomsoever in his county, and cause all those who refuse or from
 5 whom no statement is received to be listed and assessed to the full
 6 amount of their property as by law required; and they shall see to
 7 it that taxation fall equally and uniformly upon all persons in their
 8 county, in proportion to their property, respectively, and without
 9 fear, prejudice, or partiality.

ASSESSMENTS ON PROCEEDS AND PROFITS.

2 SEC. 106. Every company, corporation, partnership, and indi-
 3 vidual engaged in mining within this State, of any kind, or engaged
 4 in procuring precious metals or other mineral substances from the
 5 earth, whether in mines or not; or engaged in supplying water to
 6 any mining district, or to any city, town or village; or engaged in
 7 supplying gas to any city, town, or village; or engaged in carrying
 8 passengers or freight, or both passengers and freight, on steamers or
 9 vessels propelled wholly or in part by steam, between any port or
 10 place in this State and any port or place out of this State, or between
 11 any port or place in this State and any other port or place in this
 12 State and port or place out of this State, or between any two ports
 13 or between any two places in this State, or between any two or
 14 more places in this State; or engaged in the express business, or the
 15 carrying of letters or packages, or express matter or freight, between
 16 any two or more places in this State, or between any place or places
 17 in this State and any place or places out of this State; or engaged
 18 in carrying passengers or freight, or both passengers and freight, on
 19 any railroad between any places in this State, or between any place
 20 or places in this State and any place or places out of this State; or
 21 engaged in telegraphing, or in sending and receiving telegrams or
 22 telegraphic messages from any place in this State to any place out
 23 of this State, or from any place out of this State to any place in this
 24 State, or to or from any place or places within this State; shall be
 25 severally equally and uniformly assessed and taxed on the entire gross
 26 receipts or proceeds of their business, respectively, during the year
 27 next preceding the last day of December of each and every year,
 28 commencing with the last day of December of the present year,
 29 eighteen hundred and sixty-eight, less only the expenses actually
 30 paid out in cash for carrying on the same identical business during
 the same time.

2 SEC. 107. All persons, companies and corporations doing banking
 3 or exchange business, either local or foreign, or being engaged
 4 directly or indirectly in banking, money or exchange business, shall
 be respectively assessed and taxed uniformly and equally on the

entire gross receipts of their business, from whatsoever sources the same may be derived, except receipts for interest within the entire year next preceeding the last day of December, in each and every year, commencing with the last day of December, eighteen hundred and sixty-eight, and less only the expenses actually paid out in cash for carrying on the same identical business during the same time.

SEC. 108. All persons, companies and corporations, whether in or out of this State, receiving or charging any sum or sums of money within this State for interest on money, or for the use or the loan of money or credit, are respectively assessed and taxed equally and uniformly on the gross amount of all sums by them or for them, respectively, charged or received, or collected or collectible, for interest, from any source or by any way or means derived or charged, within the entire year next preceeding the last day of December, in each and every year, commencing with the year next preceeding the last day of December, eighteen hundred and sixty-eight, and without any deduction under any pretext.

SEC. 109. The interest on all and every species of bonds, public or private, is assessed and taxed at the full amount thereof received during each and every year next preceeding the thirty-first day of December, and commeneing on the said thirty-first day of December of the present year, eighteen hundred and sixty-eight; and all Assessors shall take care that such interest and all interest on loans, or on credits, or on debts, or on any bargains or contracts whatever, be included in all statements of personal property required by this Act, and that the same be fully assessed, whether included in any such statements or not.

SEC. 110. The President, or Cashier, or Manager, or Agent, or Bookkeeper, or Superintendent, or Clerk, or Secretary, or Captain, or Purser, or other person better informed of the profits, or of the proceeds, or of the sums for interest due, or charged or chargeable, as aforesaid, by, or for or in behalf of any individual, or company or corporation, shall, respectively, well and truly make or cause to be made to the County Assessor or Deputy Assessor, a true, full and faithful statement, under oath, of the entire gross proceeds in one item, and the entire amount of profits in another item, and the entire sums charged or received, or due or payable for interest, in another item, of each and every such individual, or company or corporation, respectively, in this State or out of this State, doing business in this State, or in any manner receiving or entitled to receive in this State any such proceeds or profit, or interest on loans, or on money, or on credits, or on debts, within the year next preceeding the last day of December in each and every year, and commencing with the last day of December of the present year, eighteen hundred and sixty-eight.

SEC. 111. If any said person, or company or corporation, or the agents or officers aforesaid of any person, or company or corporation, after request made of such person, or at the office or place of business of such person, or company or corporation, shall neglect or refuse to give said statement as aforesaid, to any Assessor or Deputy Assessor, on being thereto requested as aforesaid, it is made the

7 duty of the Assessor, and he is hereby commanded and required,
 8 to regard each and every such refusal as aforesaid as evidence of an
 9 attempt to commit fraud and inequalities in assessments, and he
 10 shall assess each and every such person, company and corporation
 11 so offending, or so refusing to make such statement, in any sum he
 12 may deem proper, not less than three times more than he shall have
 13 any reason to believe was the amount of said receipts; and the
 14 equality, uniformity and legality of every such assessment shall
 15 not be questioned, unless intermediate steps be taken by such person,
 16 or company or corporation, or some party or parties in interest, to
 17 correct the same, as by this Act authorized and provided in cases of
 18 increase of sums given in sworn statements of personal assets or
 19 personal property, as aforesaid.

ASSESSMENTS OF TURNPIKES, TOLL-ROADS, TOLL-BRIDGES, RAILROADS, TELE- GRAPHS, CANALS AND WORKS FOR CARRYING WATER.

SEC. 112. Turnpikes and toll-roads, and the wires, posts and
 2 superstructures of telegraphs, and all canals, and all ditches, flumes,
 3 pipes or other superstructures for conveying water, shall be assessed
 4 at a fixed rate per mile through the county or counties through
 5 which they pass, respectively; but no greater rate per mile shall
 6 be taxed in one county or place than in all others; and where the
 7 Assessors in the different counties interested cannot agree, they shall
 8 average their difference by adding to the lowest rate one half the
 9 difference between that and the highest rate fixed by the Assessors
 10 of the different counties; or, if in that manner their differences can-
 11 not, in any instance, be settled, then and in such instance application
 12 shall be made to the Governor to settle the difference, and the
 13 decision of the Governor and his advisers shall be conclusive and
 14 shall afterwards govern in the same matter.

SEC. 113. Toll bridges shall be assessed and the taxes thereon
 2 collected at the place where the tolls are collected.

SEC. 114. All the engines and cars and running stock of railroads
 2 shall be assessed and taxed in the county where the principal place
 3 of business of the road is located; and the track and way shall be
 4 assessed according to its length in the counties through which it
 5 passes; but no greater rate per mile of track and way shall be
 6 charged in any one county or place than in all others; and where
 7 the Assessors in the different counties cannot agree as to the rate,
 8 the Governor and his advisers shall fix the rate per mile to be
 9 assessed, which shall afterwards govern until changed by the same
 10 authority, or by other provision of law.

ASSESSMENTS OF LIVE STOCK.

SEC. 115. Horses, cattle, sheep, hogs, goats, mules, jacks and jen-
 2 nets are each and all included in the term live stock.

SEC. 116. Live stock is divided into two classes, namely: domes-
 2 tic and quasi-domestic. Domestic includes all kinds of said animals
 3 commonly called tame, or American or blood stock. Quasi-domestic

4 includes all kinds of said animals commonly called wild or Spanish
5 stock.

2 SEC. 117. All live stock shall be assessed in the county where it
3 belongs, and not elsewhere, except as a penalty for attempts to
4 avoid assessments.

2 SEC. 118. Domestic live stock shall be deemed to belong to the
3 county where its owners reside and usually keep the same, or in the
4 county where it is found to have remained for two months or more,
5 on or at any time after the first day of January in each year.

2 SEC. 119. Quasi-domestic live stock shall be deemed to belong to
3 the county wherein the same are usually kept and usually found in
4 the rodeos.

SEC. 120. All live stock shall be assessed by the head.

2 SEC. 121. All quasi-domestic live stock shall be assessed at one
3 common rate per head, under appropriate and usual classifications.

2 SEC. 122. Domestic live stock shall be assessed at one common
3 rate per head, as far as the same will admit of reasonably equal
4 general classifications; but blood horses, cows, bulls, rams and
5 stallions, and all kinds of blood live stock of exceptional values, and
6 which cannot with reasonable equality be classified, shall be assessed
7 separately and according to the respective value of each head
thereof.

2 SEC. 123. All live stock shall be assessed the same as other per-
3 sonal property, either at the full rate for which it would be good
4 security for the loan of money or at the actual market value thereof
5 at the place where it is assessed, and deducting one third for risks,
6 fluctuations and uncertainties in value.

2 SEC. 124. All live stock shall be assessed as soon as practicable
3 after the first day of January in each year; but assessments thereof
4 may be made during the time allowed for assessments of other
5 property.

2 SEC. 125. Assessors of counties wherein rodeos are held shall
3 attend at least once a year, by themselves or deputies, the general
4 rodeos held therein, respectively, and shall see to it that live stock,
5 like all other property, be assessed equally and uniformly in propor-
6 tion to the amount and value thereof in their counties, respectively;
7 and any Assessor who shall intentionally and wilfully omit this duty
shall be liable to removal for malfeasance in office.

2 SEC. 126. As soon as any live stock is assessed in the county
3 where it belongs, the Assessors shall immediately notify the holders
4 or owners thereof that the same is assessed, and the amount of the
5 assessment, and the amount of all taxes due thereon.

2 SEC. 127. As soon as live stock is assessed in the county where it
3 belongs, the taxes thereon become instantly due and payable, and a

3 lien therefor instantly attaches to the live stock assessed, and the
 4 owners and holders thereof become immediately liable for the pay-
 5 ment of the same. And such live stock shall not thereafter be per-
 6 manently removed from the county until the amount of taxes due
 7 thereon be first secured as hereinafter provided.

2 SEC. 128. The taxes due on live stock desired to be perma-
 3 nently removed from the county shall be deemed provided for, so as
 4 to entitle the holders to remove the same, when :

4 *First*—A sum of money sufficient to pay the taxes due thereon
 5 is deposited with the County Treasurer, and his receipt taken there-
 6 for as a special deposit, to meet such tax after the same shall be
 7 inquired into by the Board of Equalization. Said sum not to exceed
 8 the tax as per the assessment made by the Assessor; or,

9 *Second*—When the owners of the stock sought to be removed
 10 shall leave remaining in the county a sufficient amount of other live
 11 stock, or other assessable property, to meet such tax whenever
 12 demanded; or,

13 *Third*—Whenever the person wishing to remove such stock
 14 shall deposit with the County Treasurer any security which he will
 15 accept, and which he, together with the Taxcollector and the Assess-
 16 ors, shall be satisfied is good and sufficient to insure the prompt pay-
 17 ment of such tax into the County Treasury in the month of August
 18 or September then following; or,

19 *Fourth*—By paying the amount of such tax to the County Treas-
 20 urer and procuring his receipt for the payment thereof, and having
 21 the same indorsed by the County Auditor and the Taxcollector.

2 SEC. 129. Any person removing permanently, or for more than
 3 two months, any live stock out of the county wherein it has been
 4 assessed, as aforesaid, and without first providing for the taxes due
 5 thereon, as aforesaid, thereby, and as a penalty for such misconduct,
 6 renders the same liable to assessment and tax, and the same may be
 7 assessed and taxed in each and every county wherein the same is so
 8 taken; and moreover, the said stock, and the owners and holders
 9 thereof, shall remain liable for the taxes due thereon in the county
 10 wherein the same were first taxed and notice thereof given as afore-
 11 said.

2 SEC. 130. Any person wishing to remove permanently, or for
 3 more than two months, any live stock after it has been assessed, as
 4 aforesaid, and after just provision made for the payment of the taxes
 5 thereon, as aforesaid, shall be entitled to receive, and the Assessor
 6 shall instantly deliver to him, on request and free of charge, a state-
 7 ment duly signed by the Assessor or his deputy, specifying the
 8 county wherein and the day, month and year when signed, and the
 9 number of heads and the kinds of live stock for which it is good.
 10 And such statement shall entitle the live stock therein described to
 11 be removed into any other county or counties without liability to
 any other assessment within the same year.

2 SEC. 131. Any person attempting to permanently remove live
 3 stock from the county wherein the same is assessed, without first
 4 paying or making the required provision to meet the taxes thereon,
 as aforesaid, shall thereby render the same liable to seizure and sale

5 for such tax; and in such case the Sheriff is authorized to im-
 6 mediately levy the same by distress and sale of so much of said live
 7 stock as will make such tax and five per cent. additional for costs
 8 and expenses of sale. And in each case the amount of tax fixed by
 9 the Assessors, and whereof notice was given, shall be final and con-
 10 clusive.

SEC. 132. The holders and owners of live stock found out of the
 2 county where it belongs, between the fifteenth of January and the
 3 last Monday of June, shall be required to prove by an Assessor's
 4 statement, as aforesaid, or by other legal evidence, that the county
 5 tax on the same stock for the same year has been paid or arranged
 6 for in some other county, otherwise it shall be assessed and the taxes
 7 thereon collected in the county where so found.

SEC. 133. Any holder, owner or possessor of live stock, know-
 2 ingly and wilfully using and offering to an Assessor such Assessor's
 3 statement, as aforesaid, for other stock than that for which such
 4 statement was given, shall be guilty of a misdemeanor; and on con-
 5 viction thereof shall be punished by a fine of not less than twenty
 6 dollars, nor more than five hundred dollars, or by imprisonment in
 7 the County Jail for not less than one day nor more than two months,
 8 or by both such fine and imprisonment.

SEC. 134. Any person who shall falsely make, or counterfeit, or
 2 forge any such Assessor's statement as aforesaid, or who shall offer
 3 or deliver the same to any Assessor, knowing the same to be forged
 4 or counterfeited, shall be guilty of the crime of forgery, and on con-
 5 viction thereof shall be punished by imprisonment in the State
 6 Prison as by law in such case provided.

SEC. 135. Quasi-domestic or other kinds of live stock, not kept
 2 habitually or for more than two months within the limits of cities
 3 or towns, or villages, or school districts, shall not be deemed or
 4 held to belong therein, nor be assessable or taxable therein, for city,
 5 or town, or village or school district purposes; but live stock being
 6 habitually moved about from one district or county into another,
 7 apparently for no purpose but to avoid taxation, shall be presumed
 8 to be so moved about for that object, and shall be assessable in any
 9 place where found until the holders or owners thereof shall produce
 10 a valid receipt of the payment of taxes thereon the same year to
 11 the County Taxcollector or ex officio Taxcollector of some county.

WHEN ASSESSMENTS MUST BE COMPLETED.

SEC. 136. The assessments of real property and personal prop-
 2 erty, within every county, and required by this Act, must be made
 3 and completed, and the total values or sums thereof must be sent to
 4 the Controller of State, at some time between the first day of Janu-
 5 ary and the last Monday in June, in each and every year. And every
 6 County Assessor who shall fail to have completed and forwarded
 7 the amount of such assessment every year, within the said period
 8 hereinbefore specified, shall be deemed and adjudged guilty of a wil-
 9 ful attempt to defraud the revenue, and his office shall become *ipso*
 10 *facto* liable to be declared vacant, and he, together with his bonds-

men, shall be liable on his official bond for the full amount of the sum for which his bond may have been given; and the Attorney-General, being notified thereof, shall forthwith prosecute and enforce the payment thereof, one half to go to the State and the other half to the county of which he was an Assessor; and in addition thereto, he shall be deemed and adjudged guilty of a high misdemeanor, and on conviction thereof shall be punished by a fine of not less than five thousand dollars nor more than twenty-five thousand dollars, and by imprisonment in the County Jail for not less than six months and until said fine be paid, but not exceeding five years.

STATE LEVY.

SEC. 137. As soon as the Controller shall ascertain from the returns of assessments the probable amount of taxation necessary for the year for State purposes, and not later than the twentieth day of July, in each year, he shall inform the Governor thereof; and thereupon the Governor and his advisers, or a majority of them, which shall be sufficient for this or any other act required of them, shall agree upon, fix and publish the amount of all property taxes levied for that year for State purposes; and the Controller shall thereupon send a notice of the amount, by express or by mail, to the President of the Board of Supervisors and the Auditor of every county; and the amount of taxation so fixed for each year, and not exceeding the limit fixed by law, shall be the tax imposed by law for that year for State purposes.

LEVY OF COUNTIES AND THE INCORPORATED CITIES AND VILLAGES THEREIN.

SEC. 138. As soon as the County Assessor shall have completed his assessment, and not later than between the last Monday of June and the third Saturday in July, in each year, the Board of Supervisors of each county, or city and county, shall agree upon and fix (in the manner authorized by law for agreeing on or passing any ordinance or resolution) the amount of all property taxes levied on the county, or city and county, for that year, for county or city and county purposes, and add thereto any and all special taxes required and amounts fixed by law; and on or before the same day in each year, the Trustees, Common Council, Supervisors, or local government, by whatever name called or known in law, of any incorporated city, or town or village within any county and being authorized by law to impose any local or special tax, shall duly agree upon and fix the amount of all property tax lawfully required of such incorporated city, or town or village, respectively, for that year, adding thereto any special tax, if any there be, required and fixed by law; and the rate and amount of taxation so fixed as aforesaid, and not exceeding in any instance the amount previously fixed, or required or authorized by law, shall be the amount of taxes imposed by law for that year for county, or city and county purposes, or for such city, or town or village purposes, respectively; and no tax shall be valid or collectible except the amount thereof be agreed to and fixed in the manner and within limitation of time and amount as aforesaid; *provided*, nevertheless, that whenever an ad valorem or other tax upon the assessed value of property is levied by law, and the rate or percentage of such tax is established by law, and required to be col-

27 lected annually, or in any one year, it shall be the duty of the County
 28 Auditor of each county, or city and county, or the officer discharging
 29 the duties of Auditor, to enter upon the assessment roll or rolls the
 30 amount of such tax upon each parcel of property assessed, in the
 31 same manner and at the same time as if the Board of Supervisors or
 32 other proper authority had levied such tax or added the same to the
 33 other taxes levied by law ; and nothing herein shall be construed to
 34 excuse any county, city and county, city, town or village from the
 35 obligation of any debt or the payment of any tax levied and fixed by
 36 special Act, the intendment being not to avoid any legal tax, but to
 37 lessen the rate of taxation whenever the same can be lawfully and
 38 prudently accomplished.

LEVY OF UNINCORPORATED DISTRICTS WITHIN COUNTIES.

SEC. 139. Previous to said county levy, any unincorporated town
 2 or village or school district in the county having known and defined
 3 boundaries, and being authorized or required by law to raise money
 4 therein by direct taxation, shall, by the Trustees or other duly con-
 5 stituted and existing authorities thereof, respectively, duly notify
 6 the Board of Supervisors of the gross sum of money required or
 7 directed by law to be raised therein, respectively, for the same year,
 8 and request the Board to levy the same.

SEC. 140. On receiving said notice, the Board of Supervisors shall
 2 immediately proceed to make such levy, if such amount of taxes be
 3 authorized and directed by law to be raised ; and any member of the
 4 Board of Supervisors wilfully and knowingly refusing to make such
 5 levy after said Board is thereunto notified and lawfully requested, as
 6 aforesaid, shall be guilty of misdemeanor, and on conviction thereof
 7 shall be punished by a fine of not less than three hundred dollars nor
 8 over five thousand dollars, or by imprisonment in the County Jail
 9 for not less than thirty days nor over two years, or by both such
 10 fine and imprisonment.

SEC. 141. Said Board of Supervisors, so notified and requested as
 2 aforesaid, shall ascertain the amount of assessments in such unincor-
 3 porated town, or village or school district lawfully required to raise
 4 money therein as aforesaid, and levy on all the property therein,
 5 respectively, as shown by the assessments therein, respectively, such
 6 additional rates of taxes, not exceeding the rates allowed by law,
 7 as will be likely to make the sums of money so required and by law
 8 authorized to be raised, and the same shall be paid into the County
 9 Treasury, or be collected and paid in at the same times, in the same
 10 manner, under the same penalties for negligence in the payment
 11 thereof, and as part and parcel of the same money collected for
 12 county purposes ; and out of all moneys paid into the County Treas-
 13 ury by such unincorporated town, or village or school district, re-
 14 spectively, the County Treasurer shall pay to the authorities thereof
 15 authorized to receive the same, and whenever thereunto requested,
 16 such pro rata portions of said moneys as they shall each respectively
 17 be entitled to have in consequence of said additional levies and addi-
 18 tional payments therein, as aforesaid ; and he shall receive and file
 19 in his office the proper vouchers for all such payments.

SEC. 142. The County Treasurer shall keep an account with all
 2 said unincorporated towns, villages and school districts, respectively,
 3 raising money within his county, and they shall each, respectively,
 4 charge him with said gross sums added to the county levies, as
 5 aforesaid; and the County Treasurer, and all sureties on his official
 6 bond or bonds, shall be liable to each said unincorporated town,
 7 village and school district, as well as to this State, respectively, for
 8 all sums of money paid into the County Treasury on account of
 9 said additional levies.

SEC. 143. Whenever any incorporated city, town, or village, shall
 2 provide in their acts of incorporation, respectively, that all sums of
 3 money required to be raised within their limits by direct taxation
 4 shall be levied and collected by the county wherein they are situated,
 5 then the county shall levy and collect the same in the same manner
 6 provided in the Revenue Laws for levying and collecting sums of
 7 money for public use in unincorporated towns, villages and school
 8 districts, as aforesaid; and their power of taxation and assessment,
 9 and of making provision for the support of their own officers,
 10 respectively, shall be restricted and regulated to that extent, and in
 11 the manner provided in the Revenue Laws, in order to prevent
 12 abuses in assessments and in contracting debts by such municipal
 13 corporations.

HOW ASSESSMENT ROLL TO BE DELIVERED TO THE BOARD OF EQUALIZA- TION.

SEC. 144. Whenever the Assessors shall have completed their
 2 assessment roll, and not later than the last Monday in June in each
 3 and every year, they shall deliver the same to the Board of Equal-
 4 ization, as constituted and appointed under this Act, after having
 5 affixed to said assessment roll their affidavit, to be by them duly
 6 made, subscribed and sworn as follows:

7 We, the undersigned, being first duly sworn, do depose and say
 8 that we are the Assessors for the County of——; that between
 9 the first day of January and the last Monday of June, instant, we
 10 and our deputies, by us duly authorized, have made diligent inquiry
 11 throughout every election precinct in our said county, and have
 12 assessed all the personal property and all the real property in every
 13 vicinage and every election precinct within our said county, equally
 14 and uniformly and according to the best of our judgment and belief,
 15 in conformity with the directions and requirements of the Act to
 16 provide revenue for the support of Government; and that we
 17 have listed every individual, company, corporation and estate hold-
 18 ing any private property in our said county, as required by said Act,
 19 and have been careful to assess under the name of each individual,
 20 company, firm, corporation or estate, all the property, both real and
 21 personal, in said county belonging to each, respectively, and that
 22 only where it has been impossible for us or our deputies to find out
 23 the names of the owners of property, after diligent and bona fide
 24 efforts so to do, have we in any instance assessed any property to
 25 unknown owners, and in no instance have we assessed any real
 26 property except under the names of the owners or claimants, where
 27 it has been in our power to obtain such names; and that we have

28 diligently ascertained and assessed all the incomes or receipts of
 29 every kind received by every individual, every company and every
 30 corporation within our said county, within the entire year last
 31 passed, as required by the aforesaid Act; and that we have faith-
 32 fully, and according to the best of our ability and the best of our
 33 judgment and understanding, complied with all the duties required
 34 of Assessors under said Act, and that we have not imposed an
 35 unjust assessment through malice or ill will, nor suffered any one to
 36 escape a just and equal assessment through favor or affection; and
 37 that we have been careful to assess all real and personal property
 38 and all receipts, proceeds and profits within our said county, equally
 39 and uniformly, according to the value and amounts thereof, as
 40 required by law.

SEC. 145. On the last Monday of June in each year, the Assessors
 2 shall cause notices to be published in one or more newspapers in
 3 their county, if any be therein published, and also by posting hand-
 4 bills in three or more public places in each election precinct in their
 5 county, that they have completed their assessments of real and per-
 6 sonal property for the year, and have delivered the same to the
 7 Board of Equalization of the county, for the purpose of having the
 8 same examined and made equal and uniform upon all the property
 9 in the county; that said Board of Equalization or a majority of
 10 them will be in attendance at the (specify the office or place at the
 11 county seat) between the hours of ten o'clock A. M. and four o'clock
 12 P. M. each and every day except Sundays, until the last Monday of
 13 July proximo, for the aforesaid purpose, and to hear all and any
 14 complaints against said assessments or any part thereof; and that
 15 all persons whomsoever having any complaints to make must make
 16 the same before the said Board or the Clerk thereof, within the said
 17 time, and that they will be thereafter forever barred and precluded
 18 from making or pretending to have any complaints whatever against
 19 the equality, uniformity, regularity and legality of said assess-
 20 ments.

THE BOARD OF EQUALIZATION.

SEC. 146. The Board of Equalization shall be composed of the
 2 President of the Board of Supervisors, who shall be President of
 3 the Board of Equalization, two taxpayers of the county, to be
 4 selected and appointed by the President of the Board of Supervi-
 5 sors, and the Taxcollector, the Auditor, the Treasurer and the
 6 Assessors of the county.

SEC. 147. The Board of Equalization shall meet on the last Mon-
 2 day of June in each year and elect some Deputy Assessor or Deputy
 3 Taxcollector, or County Clerk or Deputy County Clerk as the Clerk
 4 of said Board, who shall well and faithfully perform the duties of
 5 Clerk of said Board without additional compensation above that
 6 received by him as said deputy. But no County Clerk performing
 7 the duties of County Auditor and ex officio a member of said Board
 8 shall be permitted to act as Clerk thereof.

SEC. 148. No member of the Board of Equalization shall be paid
 2 for his services as a member thereof, unless some compensation be
 3 previously authorized by law.

SEC. 149. The majority of the members of the Board of Equalization shall have power to perform any act which said Board is authorized to perform under this Act. Said Board shall be deemed in session every day at the place and during the time specified in the notice aforesaid, but on the last Monday of July in each year it is adjourned without day. And each and every member of said Board, and also the Clerk thereof, is authorized to administer oaths and affirmations during the session of said Board to any person appearing as a witness or complainant before it.

SEC. 150. When any person or corporation, within said time allowed for that purpose, on his own behalf, or on behalf of those he may represent, shall apply to the Board of Equalization of any county to reduce the value of any real or personal property, as set down in the assessment roll, the Board of Equalization, or some one of its members, or the Clerk of said Board, shall first examine such person, under oath, touching the entire value of all his or their real property and personal property in said county; and after such examination, and such other subsequently offered evidence under oath as he may present, said Board may reduce the assessment to such sum as they may deem just and equal; but if such person shall refuse to answer under oath any question as to the value of any property he may have or hold, subject to assessment in said county, or refuse to produce such subsequent evidence as to justify a reduction in his assessment, then the said Board shall not reduce the same. All evidence so taken shall be written and shall be subscribed by the person examined, and shall be filed in the office of the County Tax-collector; and any person who shall wilfully swear falsely on any such examination by any member of the said Board of Equalization or the Clerk thereof, shall be deemed guilty of wilful and corrupt perjury.

SEC. 151. The Board of Equalization is not created to change, but to equalize taxation. Said Board has no power to alter or change any individual assessment, except upon evidence duly produced, written, submitted and sworn, as aforesaid. Nor has said Board power to make general and indiscriminate alterations in assessments on proof of errors in particular cases; but the said Board has power, and it is made its duty, to examine the entire assessments of the county, of both real and personal property, and whether any person appears for or against any assessment therein or not, and to make the assessments of the same kind of personal property and the same kind of land equal and uniform, and to see that lots, farms or tracts of land in the same district or vicinage, and having notoriously about the same average value, be not assessed higher to some persons than to others, and prevent such result, and to hear evidence and summon witnesses when deemed necessary to determine such values, which said Board shall not determine without competent evidence, to be taken as aforesaid, and to the satisfaction of the Board; and, according to the evidence and the best judgment and opinion of the Board, to render the entire assessment of their county equal and uniform upon all the assessable property therein, according to its value, under the rules prescribed by this Act.

SEC. 152. Whenever the Board of Equalization shall find the

2 same property more than once assessed, they shall strike the second
 3 assessment from the assessment roll, and place the names under
 4 which so secondly assessed with the names of the single assessment
 5 thereof. And any Taxcollector, or ex officio Taxcollector, who shall
 6 twice knowingly receive or collect taxes on the same property and
 7 under the same assessment roll, shall be guilty of the crime of extortion,
 8 and on conviction thereof shall be fined in a sum not less than
 9 twenty times greater than the sum so wrongfully collected or received,
 10 and out of such fine shall be returned to the person from
 11 whom it came the amount so wrongfully received or collected. But
 12 where a large tract or rancho is assessed, and in the description
 13 thereof is included separate lesser holdings or possessions, separately
 14 assessed, such lesser holdings shall not be stricken out, but they
 15 shall be excepted from the assessment of such tract or rancho.

SEC. 153. Any member of any Board of Equalization authorized
 2 by this Act who shall, for the purpose of reducing taxation in his
 3 county, or for any purpose or under any pretext whatever, knowingly
 4 and wilfully vote to reduce, or knowingly and wilfully consent
 5 to the reduction of any assessment or any number of assessments in
 6 an assessment roll made by County Assessors and delivered to the
 7 Board of Equalization of which he is a member, regardless of or contrary
 8 to the evidence taken before said Board, and well knowing
 9 that such reduction is more than forty per cent. below the notoriously
 10 lowest value of the property assessed, shall be guilty of a misdemeanor,
 11 and on conviction thereof shall be punished by a fine of
 12 not less than five hundred dollars nor more than five thousand dollars,
 13 or by imprisonment in the County Jail for not less than ten
 14 days nor more than six months, or both such fine and imprisonment.
 15

SEC. 154. All the proceedings of the Board of Equalization shall
 2 be recorded by the Clerk of the Board, in a book to be kept for that
 3 purpose, and the same shall be read and approved each day of the
 4 sessions of said Board; and no act of said Board shall be valid for
 5 any purpose unless the same be so recorded in said book. Said
 6 book, and also all assessment rolls, duplicate assessment rolls, and
 7 information rolls, are made public records; and any Clerk of said
 8 Board, or other person whomsoever, who shall alter or change any
 9 words or figures in said book contained, or any words or figures in
 10 any said assessment roll, duplicate assessment roll, or information
 11 roll, without being thereto specifically and expressly authorized by
 12 said Board of Equalization, or by law, so to do, shall be guilty of the
 13 crime of altering and falsifying a public record, and on conviction
 14 thereof shall be punished by imprisonment in the State Prison, as by
 15 law in such case provided.

SEC. 155. During the sessions of the Board of Equalization, and
 2 not more than five days from and after the adjournment thereof by
 3 this Act on the last Monday in July, the Clerk of said Board shall
 4 enter upon the assessment roll each and all the changes or alterations
 5 directed by the Board to be made therein, as shown in the
 6 book of minutes of proceedings of said Board as aforesaid, and he
 7 shall then affix to said assessment roll the following affidavit, to be
 8 made and subscribed by him, to wit:

9 I, _____, being duly sworn, do depose and say
 10 that I am the Clerk of the Board of Equalization of the County of _____
 11 _____; that I have correctly kept and written in the book here-
 12 with sent all the acts of said Board regarding any alterations in the
 13 assessment roll to which this affidavit is affixed; that all of said
 14 alterations which said Board agreed to and directed to be made have
 15 been by me or under my direction duly made and entered in said
 16 assessment roll, and that no other changes or alterations whatsoever
 17 have been made therein, excepting only those so authorized. So.
 18 help me God.

SEC. 156. After having corrected and affixed thereto said affidavit
 2 as aforesaid, the Clerk of the Board of Equalization shall deliver
 3 the assessment roll and all maps accompanying the same, together
 4 with the said book of minutes of proceedings of the Board of Equal-
 5 ization, to the County Auditor. The County Auditor shall thereupon
 6 add up the columns of valuation and enter the total valuation of
 7 each description of property, and add the amount of tax thereon on
 8 every page of said assessment roll; and on or before the last Mon-
 9 day in August he shall have prepared and ready for delivery a true
 10 transcript or copy of the corrected assessment roll, delivered to him
 11 as aforesaid, with the amounts therein added up as aforesaid, and
 12 with each page thereof proven to be correct, by exhibiting the total
 13 amount of valuations and the total amount of tax thereon. The
 14 better to insure the prompt and responsible performance of said
 15 labor, the County Auditor is authorized, in whatsoever county he
 16 shall find the same necessary, to call to his assistance such persons
 17 as he may select, and the county shall be liable for, and its Board of
 18 Supervisors shall provide for, the payment of a just compensation
 19 for their services, not exceeding the rate of six cents per folio of
 20 one hundred words of said assessment roll. And assessments shall
 21 be made in volumes not larger, each, than one person can easily
 22 copy and prepare within said time.

HOW ASSESSMENT ROLL DELIVERED TO COUNTY TREASURER.

SEC. 157. As soon as the County Auditor shall have completed
 2 the transcript of the assessment roll as aforesaid, and not later than
 3 the last Monday in August, he shall affix his affidavit thereto, by
 4 him duly subscribed and sworn, in the following words, to wit:

5 The undersigned, being duly sworn, says: I am the Auditor
 6 for the county of _____; I received the assessment roll of the
 7 taxable property of said county from the Clerk of the Board of
 8 Equalization thereof, with his affidavit thereto affixed that the same
 9 is correct, and I have, with only such assistance as I have found
 10 necessary, faithfully and correctly added up the valuations and
 11 amount of tax on each page thereof as required by law, and have
 12 made a full, true and correct copy of the entire of said assessment
 13 roll, and have carefully read over and compared the same item by
 14 item and page by page, and that this copy thereof, to which this
 15 affidavit is affixed, is in all respects a faithful and true transcript
 16 thereof. So help me God.

SEC. 158. The said transcript of the assessment roll is given the

2 same verity and force in every respect as the original, and shall be
 3 known as the duplicate assessment roll. And as soon as completed,
 4 the Auditor shall charge the County Treasurer, as Taxcollector, if
 5 he be elected and qualified as such, and if not, then the Sheriff, if he
 6 be elected and qualified as Taxcollector, and if not, then the Asses-
 7 sors as Taxcollectors, with the total amount of all the taxes therein
 8 contained and set forth, and immediately deliver the same to the
 9 proper collector so charged therewith, who shall be the one first
 10 found qualified in the order in this section named as aforesaid,
 11 together with the said book of minutes of proceedings of the Board
 12 of Equalization and any maps appertaining thereto. The officer to
 13 whom the duplicate assessment roll is so delivered and charged is
 14 the one hereinafter designated and described by the name of Tax-
 15 collector.

SEC. 159. The assessment roll returned by the Assessors to the
 2 Board of Equalization, the same as corrected by said Board and
 3 delivered to the Auditor, and the duplicate assessment roll made by
 4 the Auditor and delivered and charged to the Taxcollector, and the
 5 information roll to be made by the Taxcollector and the Auditor,
 6 are each respectively made prima facie evidence of their legality
 7 and correctness in all respects and for all purposes.

SEC. 160. As soon as the Auditor has delivered and charged said
 2 duplicate assessment roll to the Taxcollector of his county, he shall
 3 forthwith transmit, by mail, to the Controller of State a statement
 4 of the amount so charged, and also a statement of the number of
 5 poll tax receipts delivered to the County Assessors as Taxcollectors,
 6 and the number of said receipts returned to him on settlement,
 7 which said returned receipts he shall forward to the Controller by
 8 such conveyance as the Controller by general or special order may
 9 direct, and also a statement of all State and county licenses issued
 10 in the county since his last settlement in regard thereto, giving the
 11 number and aggregate amount of each kind of license issued.

TAXES—HOW PAID AND COLLECTED.

SEC. 161. The duplicate assessment roll is the sufficient warrant
 2 for the Taxcollector, or the officer acting as such, to proceed imme-
 3 diately and collect all the taxes therein shown. And all and every
 4 the persons therein named or therein interested are ordered, com-
 5 manded and required, respectively, to pay the same without delay.
 6 Immediately on receiving the same the Taxcollector shall issue public
 7 notices, signed by him as Taxcollector, in one or more newspapers,
 8 if any published in his county, and also by letters and circulars,
 9 postage paid, and sent to every person, company and corporation
 10 named in said roll, and also by posting handbills, conspicuously
 11 printed and placed in three or more conspicuous public places in
 12 every election precinct in his county, and also by any and every
 13 proper way possible, well and truly give all the inhabitants of his
 14 county actual notice of the following facts: That the total yearly
 15 State and county taxes are due and payable immediately; that all
 16 persons assessed are required and commanded by law to pay said
 17 taxes immediately; that the Taxcollector must receive all taxes
 18 offered after the third Monday in August and during all the month

19 of September free of any additional charge whatever; that all taxes
 20 not paid in the months of August or September are increased by law,
 21 by adding thereto, from the first of October until full payment
 22 thereof be made, the additional rate or sum of five per cent. per
 23 month on the amount of the tax for each and every month the same
 24 be left unpaid; *provided*, however, that whenever during any month
 25 the taxes are paid, the rate of the penalty shall cease on the payment.
 26 But, for convenience of computation, each month is divided into
 27 thirty days, and for any fraction less than one-third thereof no rate
 28 shall be computed or charged. And all taxes shall be due and pay-
 29 able, and all the said increasing rates shall be added thereto and
 30 become a part thereof as aforesaid and as required in said notice to
 31 be stated. And in counties having towns more than fifteen miles
 32 from the county seat, the said notices shall also specify times and
 33 places in the county when and where the Taxcollector or some
 34 deputy for him will be in attendance to receive taxes. Said notices
 35 shall also state that on the first of December then next, the Taxcol-
 36 lector then acting and the Auditor of the county will proceed to
 37 make out an information roll against all persons and property then
 38 found in default contrary to law, and that thereafter no taxes can be
 39 paid or received until such information roll is delivered to the
 40 Sheriff or some other Taxcollector, as directed by law, to be sum-
 41 marily enforced by distress and sale of any goods or chattels owned
 42 or possessed by any person, company or corporation owing such
 43 taxes; and that the said five per cent. per month will still continue
 44 thereon without abatement until full payment be made.

SEC. 162. All taxes contained in the said duplicate assessment roll
 2 shall be deemed and adjudged duly levied by authority of law, and
 3 the same shall be wholly due and payable, and shall be paid as
 4 soon as the Taxcollector shall receive the said roll. The Controller
 5 and Attorney-General shall prepare the form of said notice, with all
 6 said facts therein recited, and if they deem proper may cause the
 7 same to be conspicuously printed by the State Printer, and the Con-
 8 troller shall send the same into every county to be conspicuously
 9 posted in every part thereof together with letter sheets containing
 10 the same information to be sent to every taxpayer therein, and to be
 11 kept continually circulated and conspicuously posted for the period
 12 of at least three months, unless all the taxes due in the county be
 13 sooner paid.

SEC. 163. Any Sheriff, or Assessor, or Deputy Sheriff or Deputy
 2 Assessor, or other officer or other person, who shall knowingly
 3 deface, destroy or remove any such handbill or notice required to be
 4 posted as aforesaid, or who shall in any manner discourage, dis-
 5 countenance or interfere with any person or persons conspicuously
 6 posting and circulating the same, or who shall pay, or agree to pay
 7 or offer to any person or persons so employed any sum of money
 8 or other inducement whatever, in consideration that they will not
 9 well or truly or diligently or conspicuously post or circulate the
 10 same; or deliver the same or direct the same to every taxpayer in
 11 the county, with intent to keep the inhabitants of the county or any
 12 taxpayer uninformed of all or any of the facts in said notice recited
 13 or required to be recited, or with any wicked, selfish or malicious
 14 intent and design, shall be guilty of misdemeanor, and on conviction

thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, and by imprisonment for not less than twenty days nor more than one year. And if the person convicted be an officer entitled to receive and collect the taxes due on the information roll of the same year, or a deputy or other person hired or directed or abetted by such officer to commit such crime, then and in that case such officer shall not be allowed nor permitted to receive or to collect any taxes due on the information roll for that year, but the same shall be delivered and the taxes thereon collected by some other Taxcollector or officer authorized and not so offending; and the Board of Supervisors of the county shall immediately remove the officer so offending from office, and appoint another in his place, who shall qualify and hold office as other officers appointed by said Board to fill vacancies occurring in office under the Revenue Laws.

THE INFORMATION ROLL—HOW MADE OUT AND DELIVERED.

SEC. 164. On the first day of December, in the year one thousand eight hundred and sixty-nine, and on the same day of December in each year thereafter, unless the same falls on Sunday, and then on the next day, the Taxcollector having had charge of the duplicate assessment roll shall proceed to settle with the Auditor for all the taxes by him collected on account of taxes due during the year. For this purpose such Taxcollector shall proceed to the office of the Auditor, and there he and the Auditor shall carefully read over and compare, or cause to be read over and compared by sworn clerks or deputies in their offices, and for whom they are responsible, each page and item of valuation and tax in the original assessment roll in the office of the Auditor, and the duplicate thereof charged and delivered to such Taxcollector, as aforesaid; and every item marked paid in said duplicate shall then and there be likewise marked paid in said original assessment roll, and thereto shall be carefully estimated and added the amount of additional tax or percentage due at each payment, which shall conform to the Taxcollector's duplicate roll if found to be therein correctly added, and if not therein correctly added the correct sums shall be added and charged to such Taxcollector. Each and every item of tax marked paid, the Taxcollector shall be deemed and held to have received, together with the additional rate then due; and the tax on each valuation not so marked paid shall be deemed and held not to have been paid, and the same shall be entered in a new roll to be known as the information roll, which shall contain all sums for taxes and the interest or penalty for non-payment added and then outstanding. And the Auditor shall, upon the information so received, re-examine his accounts with the Taxcollector, charge him with the increased rates imposed by law each month, and balance said account from its commencement to that time, and demand from the Taxcollector the Treasurer's receipt for, or, if it be the Treasurer, demand from him an immediate account for any deficiency, if any there be. He shall foot up the total amount of tax due on the duplicate assessment roll and the total amount of tax due on the information roll, and charge the Taxcollector with the difference, and at the same time effect a complete and final settlement, as aforesaid. Any Auditor or Tax-

37 collector whose regular term of office should expire on or about said
 38 first day of December shall nevertheless continue in office during
 39 the time necessary, and not exceeding four weeks in December, to
 40 complete said information roll and conclude such final settlement.

SEC. 165. As soon as the information roll is made out, as afore-
 2 said, the Taxcollector shall affix to said information roll his affidavit
 3 by him duly subscribed and sworn, as follows, to wit :

4 I, ——, being first duly sworn, do depose and say that I
 5 am the Taxcollector or ex officio Taxcollector for the County of
 6 ——; that I have collected and paid over to the County Treas-
 7 urer (if it be the Treasurer who makes the affidavit, then that he
 8 duly paid into the County Treasury) of said county, at the times
 9 and in the manner directed by law, all and every item of tax deliv-
 10 ered to me to be collected and contained in the duplicate assessment
 11 roll of said county, together with the monthly interest or penalty
 12 thereto added, except so much thereof as is contained in the infor-
 13 mation roll to which this affidavit is affixed; and I do now here
 14 inform and declare that all and every the persons and property in
 15 this information roll named, mentioned and set forth, and in the
 16 sums and amounts herein set forth, are in default and have not paid,
 17 and that all the said taxes herein shown, together with the monthly
 18 penalty due thereon, are still due and unpaid. So help me God.

SEC. 166. As soon as the information roll shall be prepared and
 2 sworn to by the Taxcollector, as aforesaid, or whilst the same is
 3 being prepared, the Auditor shall add up the columns of valuation
 4 and amount of tax, and the addition then due and unpaid for pen-
 5 alty, as aforesaid, and affix his affidavit thereto in like manner in all
 6 respects as required of him in preparing the duplicate assessment
 7 roll, as aforesaid; and he shall then, in a new account, charge to
 8 the Sheriff of the county, provided he be ex officio Taxcollector of
 9 the county, and if he be not, then to the Assessors as ex officio Tax-
 10 collectors, the whole amount of taxes, including such additions
 11 shown to be due on such information roll, and shall then file the
 12 same in the County Court of the county, with the Clerk thereof,
 13 and with his affidavit thereto affixed, the same substantially as re-
 14 quired of him to be affixed to the duplicate assessment roll, as afore-
 15 said; and he shall immediately inform the Sheriff or ex officio Tax-
 16 collector, as aforesaid, that he has so charged and filed said roll.
 17 Within not over thirty days thereafter he shall send to the Con-
 18 troller by mail (unless otherwise directed by the Controller), and in
 19 such form as the Controller may direct, an exhibit of the accounts
 20 between him and the Taxcollector, and him and the Treasurer of
 21 his county, on the first of each month during the past year, and
 22 also a statement of the amounts of the assessments in his county
 23 for the preceding year on each and all the different kinds of prop-
 24 erty and receipts required by this Act to be assessed, as near as he
 25 can ascertain the same, and the amounts thereof respectively which
 26 have been paid, and how much and what kinds thereof are returned
 27 unpaid and included in the information roll filed in the County
 28 Court, together with the whole amount of tax and penalty due on
 29 such information roll, and how much of the latter is due on personal
 30 property and how much on real property, and the day when he

31 charged the same to the Sheriff or the ex officio Taxcollector for
32 collection and filed the same in the County Court.

SEC. 167. The said information roll shall be deemed, adjudged
2 and held to impart its own verity, and shall of itself be conclusive
3 evidence that the assessments therein named were duly made as
4 directed by law; that the persons, companies, corporations and
5 property therein mentioned and intended were each severally and
6 duly assessed according to law; that all sums therein specified as
7 due and owing were each severally due and owing in the year last
8 past for taxes for the support of the Government, and were each
9 severally and duly levied and ordered and commanded by due au-
10 thority of law to be paid in August and September of that year and
11 as soon as the same became due; and that the same have been wil-
12 fully and knowingly left unpaid, to the injury of those who have paid
13 their portions of the same levy, and in disregard of the necessary
14 and direct commands of Government; and that in consequence
15 thereof all such persons are liable to have their property and any
16 property found in their possession seized and sold to enforce the
17 immediate payment thereof, or of so much thereof as is not assessed
18 against real property. And no person, company nor corporation
19 shall thereafter be permitted, under any pretext or in any manner
20 whatever, to contest or to call in question the verity or the legality
21 of any portion of said information roll beyond the amount of the tax
22 therein for which such person, company or corporation is liable, nor
23 to that extent except to prove that said tax was paid. And said
24 information roll shall impart notice to all the world that the taxes
25 therein shown to be yet unpaid have been left unpaid in violation of
26 law.

SEC. 168. The Sheriff shall be ex officio Taxcollector of all taxes
2 due on information rolls in the county, provided he shall have been
3 elected and qualified as such Taxcollector; otherwise, the same duties
4 and powers in every respect herein by name conferred upon Sheriffs
5 are conferred upon the Assessors elected and qualified as Taxcollec-
6 tors; and whenever the information roll is duly delivered to them,
7 or either of them, for want of the election and qualification of a
8 Sheriff as ex officio Taxcollector in the same county, then, and in
9 every such case, all and every the provisions herein referring to
10 Sheriffs as the Taxcollector, shall be construed to apply to and mean
11 such Assessor or Assessors. The Sheriff, as Taxcollector, shall pay
12 over to the Treasurer all sums in his hands for taxes at the same
13 times, and report all such payments to the Auditor in the same man-
14 ner, and in every report is required to perform the same duties, and
15 shall, together with the sureties on his official bond, be subject to
16 the same penalties and liabilities as each and every ex officio Tax-
17 collector of the county; and before the second Tuesday in May in
18 each year he shall return said information roll to the Auditor, with
19 all sums collected marked paid thereon, and shall then and there
20 have a full and final settlement, and pay over all sums found due
21 from him, the same in every particular as required at the final settle-
22 ment of the ex officio County Taxcollector collecting the taxes due
23 on the duplicate assessment roll. And all sums for taxes then still
24 left unpaid and uncollectible on said information roll may be com-
25 promised by the Sheriff as ex officio Taxcollector, by and with the

26 written consent of the Auditor, Assessor, Treasurer and President
 27 of the Board of Supervisors, and the same may be so paid and dis-
 28 charged for such sum less than the whole amount as the said officers
 29 or a majority of them may advise and specify in the paper to be by
 30 them or a majority of them signed for that purpose and filed with
 31 the Auditor. And if any such Taxcollector or other officer shall
 32 receive any pay for advising or consenting to such compromise,
 33 except the pay allowed by law, he shall be guilty of obtaining money
 34 under false pretences, and shall be punished therefor according to
 35 law. And any such taxes not paid or compromised before the fif-
 36 teenth of June shall be added to the assessment of that same year.
 37 All taxes so compromised shall be marked paid, with the amount
 38 paid, on the information roll, and charged to the Sheriff as such Tax-
 39 collector, and be paid over by him the same as other taxes. The
 40 Auditor shall retain in his office all the information rolls so returned
 41 to him, and immediately require the Sheriff's settlement as aforesaid,
 42 and demand the instant production of the Treasurer's receipt for
 43 any deficiency found in his accounts, or immediately inform the Dis-
 44 trict Attorney thereof, who shall forthwith proceed against the
 45 Sheriff and his sureties to enforce the payment thereof.

SEC. 169. As soon as said information roll shall be made out and
 2 filed in the County Court as aforesaid, and on any day not later than
 3 the first day of January after the month of December aforesaid, the
 4 Sheriff shall forthwith publish and send notices in every precinct in
 5 the county, and to every person, company and corporation named in
 6 the information roll, and in the best manner calculated to give uni-
 7 versal notice thereof, and in the same manner, under the same pro-
 8 visions and penalties prescribed in case of the delivery of the duplicate
 9 assessment roll as aforesaid, and notifying and requiring all persons
 10 to forthwith examine the information roll and pay the taxes due
 11 thereon, and prove if they can that any taxes therein shown to be
 12 unpaid have been paid, on or before the twentieth day of said month
 13 of January, for he will then proceed, as directed and required by
 14 law, to levy by distress and sale of any goods and chattels, or per-
 15 sonal property whatever, owned, held or in possession of any person,
 16 or company or corporation having taxes then still unpaid and
 17 charged in said information roll filed in the County Court. During
 18 said twenty days the County Judge shall permit the Sheriff, for
 19 greater convenience, and on giving his receipt therefor to the Clerk,
 20 to remove said information roll from the files. During said twenty
 21 days the Sheriff as Taxcollector shall give his receipt for every tax
 22 paid to the person paying the same, and specifying therein the
 23 amount of the tax, the amount of the interest or penalty added by
 24 law, and the description of property or profits or proceeds assessed
 25 therefor, and before delivery thereof shall be careful to enter the
 26 same amounts in the information roll opposite the amount, and mark
 27 the same paid. Whenever the Sheriff shall have taxes collected in
 28 his hands to the amount of one thousand dollars or upwards, he shall
 29 immediately pay the same into the County Treasury, taking the
 30 Treasurer's receipt therefor.

SEC. 170. On the said twentieth day of January, or the first
 2 judicial day thereafter, the Sheriff shall make and file his affidavit
 3 concerning the said information roll, as follows:

4 I, ———, being duly sworn, say that I am the Sheriff and
 5 ex officio Taxcollector of the County of ———; that the informa-
 6 tion roll against property and taxpayers for said county was filed in
 7 the County Court of this county on the — day of —, A. D.
 8 18—; that every sum of money collected or received by me for
 9 taxes or for penalties added thereto, or under or in virtue of the
 10 information roll of said county since the same was so filed in the
 11 County Court, has been carefully set down in said information roll
 12 opposite the tax paid, and has been and now is marked paid therein;
 13 and that every item of tax or penalty on tax in said information
 14 roll contained and not therein and opposite thereto marked paid, has
 15 not been paid, but is still due and unpaid; and that the whole
 16 amount of taxes due on said information roll at the time of the filing
 17 thereof was — dollars, and the whole amount added thereto for
 18 penalties was — dollars; and that the whole amount since col-
 19 lected by me for taxes is — dollars, and the whole amount since
 20 collected by me for penalties appertaining thereto is — dollars,
 21 and no more. So help me God.

22 The Clerk of the County Court shall file the original affidavit
 23 in the Clerk's office of said Court, and shall make two certified
 24 copies thereof, one of which he shall then and there affix to the said
 25 information roll and the other he shall send or deliver to the Auditor
 26 of the county.

SEC. 171. On reading and filing said affidavit, and on exhibition
 2 of said information roll, or offering profert thereof, the same shall
 3 be taken as confessed as against all persons, companies and corpora-
 4 tions and property therein mentioned or described and not then and
 5 there appearing and contesting the verity thereof, as to any particu-
 6 lar taxes therein shown to be still due and unpaid; and to any such
 7 contestant, if any shall then and there appear, the Court shall,
 8 without form and without delay, grant a hearing and demand the
 9 immediate production of competent legal proof, if any, that any tax
 10 shown on said information roll as not paid has in fact been paid;
 11 and if no such evidence be then and there produced, it shall be
 12 deemed and considered not to exist; but no other controversy or
 13 dispute concerning said information roll shall be heard or con-
 14 sidered; and thereupon the Sheriff shall be entitled to have and
 15 receive the said information roll, and the Clerk of said Court is
 16 directed and required to deliver the same to him finally, and he shall
 17 take the same with him and proceed therewith as directed and
 18 authorized by law.

SEC. 172. The said information roll, so finally delivered to the
 2 Sheriff as aforesaid, shall be deemed, held and adjudged a valid and
 3 sufficient warrant in his hands, authorizing and directing him to
 4 collect and to enforce the collection of all taxes therein shown to be
 5 unpaid, and to levy the same by distress and sale of any of the
 6 goods or chattels owned or held by the delinquents therein named,
 7 and whether they be companies, corporations, or individuals, and as
 8 well any personal property in their possession as any personal
 9 property owned by them respectively. The Sheriff, in order to col-
 10 lect any tax and the penalty due thereon, as shown in said informa-
 11 tion roll, and which tax is not a lien on real property, is authorized,

empowered and required to levy the same by distress and sale of the goods and chattels of the person, company or corporation assessed or in default, or of any goods and chattels in the possession of such person, company or corporation, wheresoever the same may be found within his county, or of so much thereof as may be necessary to make the amount of the tax; and no claim of title thereto by any other person, company or corporation shall be available or in any manner sufficient to prevent the sale. The Sheriff shall give notice of such sale in like manner as required of him in case of sale of personal property under execution, and for at least seven days prior to the happening thereof, and for such greater length of time, not exceeding fifteen days, as he may in such notice specify; and if the amount of the tax and the penalty thereon be not theretofore paid, he shall sell, in pursuance of such notice and at public auction, and deliver the property sold to the purchaser on receiving the price bid in gold coin, together with his bill of sale, which shall be effectual to pass the title thereto. If the sum paid exceeds the amount of the tax and penalty due in the case, the surplus shall be returned to the person, company or corporation having possession of such property when the distress was made; but the Sheriff shall not sell more of any such goods and chattels than sufficient to make the amount due, when he can conveniently avoid it; and when he shall act unreasonably and sell a much greater quantity than needed to make the amount due, whilst he held and could as well have sold a less quantity, he shall be liable for the damages resulting therefrom in an action by the person or corporation having had possession thereof at the time of the distress; and any Sheriff or Deputy Sheriff who shall maliciously or knowingly oppress extremely poor persons, by seizing their scanty furniture, or one cow, or one horse, or other means indispensable for their subsistence, and when it is well known to him, or proven by competent evidence, that such persons were actually poor and without means to pay the tax, he shall be guilty of malfeasance in office and be liable to removal therefor.

HOW REAL PROPERTY TO BE SOLD.

SEC. 173. For any tax due on real property the Sheriff shall proceed directly against the real property itself. He shall advertise the whole of it, and particularly set forth its boundaries, as shown in the assessment. His advertisement shall state that the amount of all bids must be instantly paid in gold coin, or the property will be immediately resold to other bidders. The time of advertising the sale shall not be less than twenty days, and the manner of publishing the notices shall be substantially the same as in case of sale of real estate under execution, and also by sending a copy of the advertisement of sale through the Post Office, postage paid, or by express, to each and every person whose property is so advertised, in every instance where the Sheriff can possibly ascertain the address of such person; and where the Board of Supervisors shall have made special regulations to provide for the expense of such advertising, he shall follow such regulations in addition to the requirements herein made, or otherwise he shall pay the whole expense thereof without recompense. On the day of sale the Sheriff shall conduct the sale, as follows: If the property offered be a town or city or village lot, he shall offer the same to any one who will

20 take the least quantity thereof and pay instantly and in gold coin
 21 the total amount of the tax then due thereon, which amount he
 22 shall always state distinctly to the bidders; and he shall also state
 23 the particular frontage or portion of the lot on which said least
 24 quantity will lie, which portion he may locate at the sale on any
 25 part of the lot he pleases to name; if no one immediately offers to
 26 take a part, he may sell the whole for said amount due, but shall
 27 accept the lowest bid made, if made at once. If the property
 28 offered be a rancho, farm or tract of land, he shall proceed to sell it
 29 in the same manner as required in case of a lot, designating pre-
 30 cisely where the starting point shall be of the land offered and
 31 which way the boundary lines shall run, and at the sale he may
 32 change the starting point and lines wherever he pleases until he can
 33 get a bid; or, if he cannot soon get a bid for less than the whole,
 34 he may sell the whole tract at one bid for the amount due. He
 35 shall never accept any bid for more or for less than the amount due
 36 on the day of sale, nor shall any such bid be valid for any purpose.
 37 When no bidder will offer to take the whole tract for the amount
 38 due, nor offer to take any single part of the tract and pay the
 39 amount due, and when the President of the Board of Supervisors
 40 will not take the whole and allow the amount due, and the Sheriff
 41 is given to understand, or shall have reason to believe, that he can
 42 realize the amount of taxation due thereon by dividing the same
 43 into a number of smaller tracts, he may then so divide and offer the
 44 same, either on the day of sale or on any other day to which he
 45 may adjourn the sale for that or any other purpose; and he may
 46 adjourn such sale from time to time, but for not more than three
 47 days at any one time, until he shall have completed the same, if
 48 completed before the said second Tuesday in May; but any such
 49 sale taking place after the second Tuesday in May shall not be valid
 50 for any purpose. All sales of real property for taxes shall be sub-
 51 ject to redemption as hereinafter provided.

SEC. 174. The President of the Board of Supervisors, or some
 2 person by him authorized for that purpose, shall attend all such
 3 sales when made of real property in his own county, and if no indi-
 4 viduals will take the whole of any real property offered and pay the
 5 amount due thereon for taxes, then the said President, or person
 6 authorized by him, may bid off the same for and in the name of the
 7 county or city and county; and if not redeemed, the county is author-
 8 ized to take and hold the same for the benefit of the county or city
 9 and county until its Board of Supervisors shall dispose of the same
 10 and pay the money realized therefor into the Treasury of the county.
 11 In case of such bids, the Sheriff shall issue certificates of sale to the
 12 county by its name, and the county shall have the same rights and
 13 privileges and be treated in every particular connected with such
 14 purchase the same as though a private corporation or an individual.
 15 The President of the Board of Supervisors shall receive and record
 16 the certificate and the deed, if any; and the Sheriff shall be cred-
 17 ited to the amount of such bids the same as though they were paid,
 18 and the Auditor and Treasurer shall charge the same to the county
 19 so purchasing.

SEC. 175. The Board of Supervisors acquiring a title to any real
 2 property by reason of a purchase at such tax sale, as aforesaid,

3 shall, at any time within six months from and after such acquisition
 4 (and thereafter if necessary to effect a sale), advertise the same for
 5 sale at public auction to the highest bidder for gold coin at the ex-
 6 piration of six calendar months from and after the passage of such
 7 order of sale. During the said six months the Clerk of said Board
 8 shall keep such sale well advertised in one to three newspapers, if
 9 there be so many published in the county; if none so published,
 10 then by posting handbills therein, and also by sending a notice of
 11 such sale to the owners, or persons, or claimants of said property,
 12 if any there be. At any time ten days before the sale the actual
 13 possessors of such property, if any, claiming and holding such pos-
 14 session in their own right, may purchase the same by paying the
 15 price bid by the county and the same per cent. per month required
 16 by law to redeem the same from the time of the tax sale to the time
 17 of such purchase, together with such additional taxes and other costs
 18 and charges as the county has then been put to concerning the
 19 same. Otherwise the same shall be sold as aforesaid to the highest
 20 bidder paying gold coin therefor at the time of the sale, and the pur-
 21 chase money shall be paid to the County Treasurer for county pur-
 22 poses; and the President of the Board of Supervisors shall seal,
 23 sign and deliver to the purchaser a deed of conveyance of the prop-
 24 erty, in his own name as President of said Board, and the same shall
 25 be good and sufficient to pass to the grantee the legal title to the
 26 property, but without any warranty or recourse against the
 27 county.

SEC. 176. The Sheriff shall keep a memorandum of all said real
 2 property sales in a book account of sales, and within thirty days
 3 thereafter shall fill out duplicate certificates of each sale, bearing
 4 date the same day of the sale, in which it shall be sufficient to state
 5 the day of sale, the amount for which the sale was made, the person
 6 or county to whom made, and a description, as precise and full as
 7 can be, of the exact location and boundaries of the real property
 8 sold, and the fact that such sale took place for taxes left unpaid in
 9 violation of law, and for more than five months after the same
 10 were due and ordered and required by law to be paid, and that such
 11 sale took place under the information roll of taxes left unpaid for the
 12 year last past in the said county of ———, and that said Sheriff
 13 was duly authorized, directed and required to make the said sale of
 14 the real property therein described, provided the said tax on said
 15 property was not paid before the sale should take place; and that
 16 said tax was paid only by the said purchaser after the said sale was
 17 made; and that if the said real property be not redeemed within
 18 one year from said day, as authorized by law, the said purchaser, his
 19 heirs or assigns, will be entitled to demand and receive from the
 20 Sheriff of said county, whosoever he may then be, a deed of convey-
 21 ance of said real property hereinbefore described, signed and
 22 acknowledged by him as Sheriff of said county; and that said deed
 23 will convey each, all and every private right, title, interest or claim
 24 whatsoever in and to said real property, and in and to every part
 25 and parcel thereof, as well in law as in equity, and in fee simple
 26 absolute. And said certificate shall import its own absolute verity.
 27 And every deed made by the Sheriff under authority of such certifi-
 28 cate, and where no redemption was had, shall carry said force and
 29 effect; and all persons, companies and corporations in any way

30 interested in said real property shall be deemed, held and adjudged
 31 to have due notice thereof. He shall deliver both said certificates to
 32 the purchaser on being paid one dollar therefor to his own private
 33 use. One of said certificates the purchaser should immediately file
 34 or record in the office of the County Recorder.

SEC. 177. At the expiration of one year from and after the date
 2 of said certificates, if within that time no redemption has been made,
 3 the said purchaser, his heirs, assigns or legal representatives, on
 4 presenting the same to the Sheriff of said county, or city and county,
 5 at the time of presenting the same whether he be the Sheriff who
 6 made the sale or not, such Sheriff shall then and there, in the name
 7 and by the authority of the people of the State or California, grant
 8 and convey the real property therein described to the person or
 9 county, or city and county, therein described, in fee simple absolute
 10 forever. And such deed so obtained shall be good and effectual to
 11 pass to the grantee therein named a complete and indefeasible title,
 12 free and clear of all liens and incumbrances whatsoever existing
 13 thereon prior thereto, excepting only any prior lien thereon for
 14 unpaid taxes. And the same shall not be liable to be attacked or
 15 defeated in any Court or judicial proceeding, on any ground what-
 16 ever, except the ground of fraud, or conspiracy to cheat and defraud
 17 the former owners or claimants thereof, or to impair the security of
 18 owners of any prior lien thereon.

SEC. 178. At any time within two years from and after the day
 2 of sale of any real property, any person may redeem the same from
 3 all the consequences of such sale by paying to the County Treasurer
 4 of the county in which the real property sold is situated at the time
 5 of said redemption, the total amount bid and paid on said sale,
 6 together with interest thereon from the day of said sale, as shown
 7 in the Sheriff's certificate or return thereof, to the day on which the
 8 redemption is made, at the rate of six per cent. per month, during
 9 such time only as shall have intervened between the sale and day of
 10 redemption, and also the expenses actually paid or incurred by the
 11 county in advertising the property redeemed, the amount whereof
 12 shall be ascertained and given by the Clerk of the Board of Super-
 13 visors; and the statement thereof given by him to a redemptioner,
 14 and shown to the Treasurer, shall be conclusive of the correctness
 15 thereof; *provided*, that no redemption shall be made at a less amount
 16 for interest than ten per cent. on the amount bid.

SEC. 179. The Clerk of the Board of Supervisors, at least four
 2 months prior to the expiration of the year allowed for redemption,
 3 shall prepare a notice specifying particularly and as briefly as possi-
 4 ble every parcel of land in the county still unredeemed from tax
 5 sales, and the amount necessary to redeem the same, calculated to
 6 the last day on which the redemption can be made, specifying the
 7 day on which the time for redemption will expire, and stating the
 8 name of the person to whom the lands were assessed; and that
 9 unless they be redeemed by that day they will be conveyed to the
 10 purchaser; and he shall cause such notice to be well and conspicu-
 11 ously published in one or two newspapers, if that number be pub-
 12 lished in the county, and if no newspapers be therein published, then

13 in one or two newspapers believed by him to be most circulated
 14 therein, for at least once a week for said period of four months,
 15 unless the same be sooner redeemed; and the Board of Supervisors
 16 of the county shall audit and order paid the expenses of such pub-
 17 lications.

SEC. 180. Between the thirty-first day of August and the thirty-
 2 first day of November in each year, it shall not be proper nor neces-
 3 sary for any County Recorder to record or receive for record any
 4 deed or mortgage of any real property, unless he knows or shall see
 5 a Taxcollector's or Deputy Taxcollector's statement thereon, signed
 6 by his name or initials, proving to the satisfaction of the Recorder
 7 that the taxes due on the real property therein described have been
 8 paid; and any County Recorder wilfully or knowingly disregarding
 9 this requirement may be removed from office for that cause; but
 10 the recording of any deed in violation of this provision shall in no
 11 way impair the notice or have any other or further effect than sub-
 12 ject such Recorder to removal from office.

SEC. 181. Any person who shall remove from one county in this
 2 State into another county of this State after having been assessed
 3 on personal property and become individually and solely liable for
 4 the tax due thereon, and without being liable in any other county
 5 for the same tax, shall remain equally liable for the payment of such
 6 tax into whatsoever county he may remove; and the Taxcollector
 7 of the county where such tax is owing, and having the information
 8 roll therein to collect, finding into what county such person has
 9 removed, may send into such county and there demand the pay-
 10 ment of such tax, and if the same be not paid, may bargain with
 11 any attorney to sue for and collect the same in the name of such
 12 Taxcollector; and on the trial a certified copy of the assessment,
 13 signed by the Auditor of the county where the same was made,
 14 together with the affidavit thereto attached of the Taxcollector that
 15 said tax in said certificate mentioned has not been paid, but is due
 16 and owing on the assessment roll, or the information roll (as the
 17 case may be), in his possession, shall be sufficient evidence to estab-
 18 lish, prima facie, that such tax is due and payable, with the penalty
 19 thereto attaching, and shall entitle the plaintiff to judgment for the
 20 recovery thereof, unless the defendant shall prove by competent
 21 evidence that the tax was paid. And the Treasurer and Auditor
 22 shall deduct and allow the expenses of so collecting such tax, pro-
 23 vided they do not exceed one third of the amount of such tax so
 24 collected and paid into the Treasury.

SEC. 182. If any person shall make and serve on the Sheriff an
 2 affidavit that any tax in the information roll in his hands has been
 3 paid, and that he is prepared to prove the same, the Sheriff shall
 4 notify the Auditor of such affidavit, and shall proceed without delay
 5 and without form before any Judge and demand that such proof be
 6 at once produced. If such proof be at once made by producing a
 7 valid Taxcollector's receipt therefor, or by other evidence equally
 8 indisputable, the Judge shall so certify, and the Auditor shall
 9 thereon credit the Sheriff therewith and demand the immediate
 10 payment thereof to the Treasurer from the person found to have
 11 received the same, and he shall mark the same paid on the roll in

12 his office. And any Taxcollector or other person having so falsely
 13 received the same shall be liable to the person so wronged in any
 14 sum not exceeding twenty times the amount of the tax so paid and
 15 not marked paid in the roll.

FOREIGN MINERS.

SEC. 183. No person, unless he is a citizen of the United States,
 2 or shall have declared his intention to become such (California In-
 3 dians excepted), shall be allowed to take or extract gold, silver or
 4 other metals from the mines of this State, or hold a mining claim
 5 therein, unless he shall have a license therefor, as hereinafter pro-
 6 vided.

SEC. 184. It shall be the duty of the Controller of State to pro-
 2 cure a sufficient number of blank licenses, which shall be substan-
 3 tially in the form heretofore in use; but the form thereof may be
 4 changed by the Governor and his advisers whenever deemed by
 5 them advisable. These licenses shall be numbered consecutively,
 6 and a record thereof be made and filed in the Controller's office.

SEC. 185. The Controller of State shall sign and issue to the
 2 Treasurer of each mining county (the name of which shall be stated
 3 in the license), from time to time, when required by such Treasurer,
 4 a sufficient number of licenses for the use of such county, and take
 5 a receipt therefor, and charge the Treasurer with the same. The
 6 County Treasurer shall, in a book to be by him kept for that pur-
 7 pose, keep an account of all foreign miners' licenses received by
 8 him, and shall from time to time deliver them to the County Audi-
 9 tor, taking his receipt therefor. The amount to be paid for such
 10 licenses shall be at the rate of four dollars per month; and said
 11 licenses shall in no case be transferred or transferrable. The Audi-
 12 tor shall, on the first Monday in each month, write the name of the
 13 month in all foreign miners' licenses issued by him for that month,
 14 and shall deliver to the Taxcollector of his county a sufficient num-
 15 ber of said licenses for the use of his county for that month.

SEC. 186. The Collectors shall collect the foreign miners' license
 2 tax provided for in this Act, from all persons liable to pay the same,
 3 and may seize the property of any such person refusing to pay such
 4 tax, and sell the same at public auction on one hour's notice by
 5 proclamation, and shall deliver the property to the purchaser,
 6 together with a bill of sale with the license attached, which shall
 7 transfer the title thereof to the person paying the highest price
 8 therefor; and after deducting the tax and necessary expenses
 9 incurred by reason of such refusal and sale of property, the Col-
 10 lector shall return the surplus of the proceeds of the sale, if any, to
 11 the person or persons whose property was sold; *provided*, that
 12 should any person liable to pay such tax in any county of this
 13 State escape into any other county, with the intention to evade
 14 the payment of such tax, then and in that event it shall be lawful
 15 for the Collector to pursue such person and enforce the payment of
 16 such tax in the same manner as if no such escape had been made.
 17 Any foreigner not registered and representing himself to be a citi-
 18 zen of the United States shall, in the absence of his certificate to

19 that effect, satisfy the Collector of the correctness of his statement
 20 by affidavit or otherwise, and for that purpose the Collector is em-
 21 powered to administer such oath or affirmation. All foreigners not
 22 eligible to become citizens of the United States, residing in any
 23 mining district in this State, shall be considered foreign miners
 24 under the provisions of this Act. Every subsequent license after
 25 the first, when issued to the same person, shall be dated from the
 26 expiration of the former license.

2 SEC. 187. The Collector shall receive for his services twenty per
 3 cent. of all moneys collected from foreign miners' licenses; and fifty
 4 per cent. of the net proceeds of all moneys collected for foreign
 5 miners' licenses shall be paid into the County Treasury for the use
 6 of the State; the remaining fifty per cent. of the net proceeds shall
 7 be paid into the Treasury for the use of the county; *provided*, that
 8 in counties where the Taxcollector receives a specific salary, he may
 9 retain for his use the fees allowed for collecting foreign miners'
 10 and other licenses under the provisions of this Act, which shall be
 11 paid to the principal or deputy, as the case may be, who shall ac-
 tually engage in the collection of such tax or license.

2 SEC. 188. Any person charged with the collection of foreign
 3 miners' license tax who shall give any receipt other than the receipt
 4 prescribed in this Act, or receive money for such license without
 5 giving the necessary receipt, or who shall insert more than one name
 6 in the same receipt, or who shall knowingly and wilfully insert the
 7 wrong name therein, shall be guilty of a felony, and upon convic-
 8 tion shall be fined in a sum not exceeding one thousand dollars,
 and be imprisoned in the State Prison not exceeding one year.

2 SEC. 189. Any Taxcollector who shall sell or cause to be sold any
 3 foreign miners' license with the date of the sale left blank, or which
 4 shall not be dated and signed by the Controller, Auditor and the
 5 Taxcollector, and any person who shall make any alteration, or
 6 cause the same to be made, in any license, shall be guilty of felony,
 7 and upon conviction shall be fined in a sum not exceeding one thou-
 8 sand dollars, and imprisoned in the State Prison not exceeding three
 9 years; and the license so sold with blank date, or which shall not
 10 be signed and dated, and have blanks filled as aforesaid, or which
 11 shall have been altered, shall be received in evidence in any Court
 of competent jurisdiction.

2 SEC. 190. Any person or company hiring foreigners, or inter-
 3 ested with them as partners, or renting, or on shares, or in any
 4 manner connected with any foreigner or foreigners in working or
 5 in possession of any mining ground in this State, shall be held liable
 6 for the amount of license of each and every foreigner with whom
 7 such person or company is so connected or interested. All mining
 8 ground worked or possessed, all improvements, all tools and ma-
 9 chinery used in working such ground by said person or company,
 10 shall be subject to sale for the payment of said license tax, in the
 11 manner provided in this Act. The Collector shall have power to
 12 require any person or company believed to be indebted to, or to
 13 have money, gold dust or property of any kind belonging to, any
 foreigner, or in which any foreigner is interested, in his or their

possession, or under his or their control, to answer, under oath, as to such indebtedness or the possession of such money, gold dust or other property. In case a party is indebted, or has possession or control of any moneys, gold dust or other property, as aforesaid, of such foreigner or foreigners, he may collect from such party the amount of such license, and may require the delivery of such money, gold dust or other property, as aforesaid; and in all cases the receipt of the Collector to said party shall be a complete bar to any demand made against said party or his legal representative for the amounts of money, gold dust or other property embraced therein; and *provided*, that whenever, from any cause whatever, the Collector shall be unable to collect the foreign miners' license from any person liable to pay the same, he shall certify to the Road Overseer of the district the name or description of the person and the amount due, and such person shall, upon the requisition of the Overseer, work upon the public roads of the district a sufficient number of days to exhaust said sum by crediting against it one dollar for each day's work; and every person so liable to work, and refusing so to do, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not less than five nor more than thirty days.

SEC. 191. Any person or company hiring such foreigners, as aforesaid, to work in the mines of this State shall be liable for the amount of the license for each person so employed.

SEC. 192. All licenses mentioned in this Act for State and county purposes (except where the entire amount received is paid into the County Treasury for county purposes), all poll tax receipts and all foreign miners' licenses shall be issued from the Controller's office, and such foreign miners' licenses shall be numbered consecutively, commencing with number one, on the second Monday in November of each year; and all such licenses for State and county purposes, and all foreign miners' licenses and all poll tax receipts, shall be signed by the Controller of State, or by a deputy appointed by him especially for that purpose.

SEC. 193. The Controller of State shall prepare printed forms of each class, kind and description of licenses, poll tax receipts and foreign miners' licenses, where such forms are not herein specially provided for, upon such paper and in such manner as he shall think advisable; and he shall from time to time furnish such licenses and poll tax receipts to the officers of the several counties as herein directed, when the same shall be required, and charge the respective officers therewith.

POLL TAX.

SEC. 194. Every male inhabitant of this State over twenty-one and under sixty years of age shall pay a poll tax for the use of the State and county, of two dollars; *provided*, the same be paid between the first Monday in March and the first Monday in August; but if said poll tax is not paid prior to the first Monday in August, it shall be three dollars; and the extra dollar shall be paid to the County Treasurer for the School Fund of the county, less fifteen per cent.

8 on all poll taxes collected, which it shall be lawful for him to retain
9 as compensation for the collection of said poll tax.

SEC. 195. The Controller of State shall, before the first day of
2 January in each year, cause proper blank receipts for poll taxes to
3 be printed by the State Printer, of a uniform appearance, changing
4 the style thereof each year; and said Controller, after signing and
5 numbering them, shall cause a number thereof, equal to the probable
6 number of inhabitants in each county liable to pay poll tax, to be
7 immediately forwarded to the County Treasurer of each county,
8 who shall sign them, or so many of them as may be required, and
9 make an entry thereof in a book to be kept for that purpose, and
10 thereupon deliver them to the Auditor, who shall likewise sign them
11 and make an entry of the number he receives in a book to be kept
12 by him for that purpose.

SEC. 196. The Auditor shall from time to time issue to the Tax-
2 collector so many of the receipts for poll tax as he may need, taking
3 his receipt therefor.

SEC. 197. No receipts for poll tax, other than those mentioned
2 aforesaid, shall be used or given for the payment of any such tax;
3 and any Taxcollector who shall receive any poll tax without deliv-
4 ering the proper receipt required by law, shall be guilty of a misde-
5 meanor for each poll tax so received, and on conviction thereof shall
6 be punished by imprisonment in the County Jail not less than three
7 months, nor more than one year, and by a fine of not less than one
8 hundred, nor more than one thousand dollars for each offence, or by
9 both such fine and imprisonment.

SEC. 198. Upon receiving such receipts from the Auditor, the
2 Taxcollector receiving the same shall give a receipt to said Auditor
3 for the same, and the said Auditor shall immediately charge the
4 same to the Taxcollector so receiving them. All receipts delivered
5 to the Taxcollector before the first Monday in August shall be filled
6 out with the sum of two dollars, and two dollars shall be charged to
7 him for each one so delivered; and all such receipts delivered to the
8 Taxcollector after the first Monday in August, in each year, shall be
9 filled out with the sum of three dollars, and three dollars shall be
10 charged to him for each one so delivered.

SEC. 199. No person shall be deemed or held to have paid his poll
2 tax unless he be able to exhibit a receipt therefor, issued from the
3 office of Controller of State, or otherwise legally prove the payment
4 of the same.

SEC. 200. Any person or persons who shall pass, sell or transfer,
2 or attempt to pass, sell or transfer, or who shall forge or fraudulently
3 issue, any receipt or receipts for poll tax, or any other tax, contrary
4 to the spirit and intention of this Act, shall be guilty of felony, and
5 on conviction thereof shall be punished by imprisonment in the State
6 Prison for not less than one year nor more than two years.

SEC. 201. To enforce the collection of poll taxes as provided in
2 this Act, the Taxcollector may levy on and sell only so much of any

3 personal property claimed by or in the possession of any person
 4 liable to and refusing and neglecting to pay his poll tax, as will be
 5 sufficient to make the amount of such poll tax and cost of seizure,
 6 which costs shall not exceed three dollars, and shall and may sell the
 7 same at any time or place upon giving a written notice at least one
 8 day previous to such sale; and any person indebted to another liable
 9 to pay poll tax, but who has neglected or refused to pay the same,
 10 shall be liable to pay said tax for such other person, after service
 11 upon him by the Taxcollector of a notice in writing stating the
 12 name or names of the person or persons so liable and owing poll
 13 tax, and such debtor may deduct the amount thereof from such
 14 indebtedness.

SEC. 202. The Taxcollector, after having deducted the poll tax
 2 for which such property was sold, and the three dollars fees and
 3 costs of sale, shall return the surplus of the proceeds, if any there
 4 be, to the owner of the property. A delivery of the possession of
 5 the property by the Taxcollector to the purchaser at any such sale
 6 shall be a sufficient title in the purchaser, with a certificate of pur-
 7 chase thereof signed by the Taxcollector.

SEC. 203. If any person shall give to the Taxcollector or his
 2 deputy a false name, or shall refuse to give his name, he shall be
 3 guilty of misdemeanor, and shall be arrested on complaint of the
 4 Taxcollector or his deputy, and upon conviction before a Justice of
 5 the Peace he shall be punished by a fine of not less than ten dollars
 6 or more than one hundred dollars, or by imprisonment in the County
 7 Jail for not less than two days nor more than three months, or by
 8 both said fine and imprisonment.

SEC. 204. Of the money collected as poll tax under the provisions
 2 of this Act, after all the expenses of collection are paid, fifty per
 3 cent. shall be paid into the County Treasury for county purposes,
 4 and the remaining fifty per cent. shall be paid in for State purposes,
 5 and one half of the money paid into the State Treasury from this
 6 source shall be placed in the Common School Fund.

SEC. 205. On the first Monday of each month, the Taxcollector
 2 shall make oath before the Auditor of the total number of poll taxes
 3 collected by him during the last preceding month, and shall at the
 4 same time file the County Treasurer's receipt for the total amount of
 5 poll taxes collected, less fifteen per cent. allowed by this Act for
 6 fees; and on the first Monday in August he shall return all the two
 7 dollar poll tax receipts by him received and not used, and shall pay
 8 to the Treasurer the total amount collected and not paid in thereto-
 9 fore, subject to the deduction aforesaid; and he shall, at the same
 10 time, receive from the Controller, through the Treasurer and Auditor,
 11 a sufficient number of three dollar receipts to enable him to collect
 12 all the polls in his county not then paid; and on the last business
 13 day of December of each year the Taxcollector and Treasurer shall
 14 attend at the office of the County Auditor, and the County Auditor
 15 shall then and there finally settle with the Taxcollector for all poll
 16 tax receipts signed by the Treasurer and delivered to him; and the
 17 Taxcollector shall then pay over the amount of all poll tax receipts
 18 received by him, and not then or theretofore returned; and all the

19 poll tax receipts returned by the Taxcollector shall be forthwith
 20 transmitted by the County Auditor, with his annual statement, to
 21 the Controller of State; and no poll tax receipts shall be valid for
 22 any year unless issued after the first day of January in such year.

SEC. 206. At the settlement with the Taxcollector, required on
 2 the last day of December, it shall be the duty of the County Auditor,
 3 and he is hereby required to forthwith transmit to the Controller
 4 of State a certified statement of the amount of poll taxes paid over
 5 to the County Treasurer of his county up to that time, and the
 6 number of all receipts for poll tax delivered by the County Treasurer
 7 to him, the number of such receipts issued by him to the Taxcollec-
 8 tor, the number of such receipts returned by the Taxcollector, and
 9 the number of such receipts then transmitted to the Controller of
 10 State; and he shall deliver a certified copy of said statement to the
 11 County Treasurer.

LICENSES.

SEC. 207. There shall be levied and collected by the Taxcollector
 2 a license tax as follows:

3 *First*—From each proprietor or keeper of a billiard table, not
 4 kept for the exclusive use of the owner or his family, for each table,
 5 five dollars per quarter; for a nine or ten pin or bowling alley, five
 6 dollars per quarter for each alley—licenses to be granted for a term
 7 not less than three months.

8 *Second*—From the manager or lessee of every theater, five dol-
 9 lars per day, if granted for a term less than one month; if granted
 10 for one month, one hundred dollars shall be paid; if granted for
 11 three months, two hundred dollars; if granted for one year, six
 12 hundred dollars; and for each exhibition of serenaders, or opera or
 13 concert singers the same payment for license as is required for
 14 theatrical performances.

15 *Third*—For each exhibition of caravan or menagerie, the exhi-
 16 bition for gain of bull or bear, or any collection of animals, for pub-
 17 lic amusement, twenty dollars for each exhibition; and for each
 18 show of any figures, or for each exhibition of circus, rope or wire
 19 dancing or sleight of hand for reward, ten dollars per day.

20 *Fourth*—From each and every insurance company, incorporated
 21 in pursuance of the laws of this State and transacting an insurance
 22 business therein, one hundred dollars per quarter year.

23 *Fifth*—From each and every insurer, or insurance company, foreign
 24 or otherwise, not chartered by this State, and transacting an insur-
 25 ance business therein, or the agent or agents thereof, one hundred
 26 dollars per quarter year.

27 *Sixth*—From each pawnbroker, fifty dollars per quarter.

28 *Seventh*—From each keeper of an intelligence office, fifteen dollars
 29 per quarter.

SEC. 208. Brokers, trust companies, or such persons, associations
 2 or corporations as are engaged in one or more of the following occu-
 3 pations, to wit: In loaning money at interest; or in buying or sell-
 4 ing notes, bonds or other evidences of indebtedness of private per-
 5 sons; or in buying or selling State, county or city stocks, or other
 6 evidences of State, county or city indebtedness; or stocks, or notes,

7 bonds or other evidences of indebtedness of incorporated compa-
 8 nies; or in buying or selling gold dust, gold or silver bullion, or
 9 gold or silver coin, shall be divided into six classes, as follows:

10 Those doing business in the aggregate to the amount of two hun-
 11 dred and fifty thousand dollars per quarter and over shall constitute
 12 the first class.

13 Those doing business to the amount of two hundred thousand
 14 dollars and less than two hundred and fifty thousand dollars per
 15 quarter shall constitute the second class.

16 Those doing business to the amount of one hundred thousand dol-
 17 lars and less than two hundred thousand dollars per quarter shall
 18 constitute the third class.

19 Those doing business to the amount of fifty thousand dollars and
 20 less than one hundred thousand dollars per quarter shall constitute
 21 the fourth class.

22 Those doing business in any amount under fifty thousand dollars
 23 and over three thousand dollars per quarter shall constitute the fifth
 24 class.

25 Those doing business in any amount under three thousand dollars
 26 per quarter shall constitute the sixth class.

27 The licenses shall be obtained from the Taxcollector, and shall be
 28 given for the first class upon the payment of one hundred dollars
 29 per quarter.

30 For the second class, eighty dollars per quarter.

31 For the third class, forty dollars per quarter.

32 For the fourth class, twenty-five dollars per quarter.

33 For the fifth class, fifteen dollars per quarter.

34 For the sixth class, three dollars per quarter.

35 Said amount for licenses to be paid to the Collector of Taxes in
 36 each county in which the party applying therefor desires to or does
 37 transact any or all of the occupations specified in section seventy-
 38 four, and a separate license shall be obtained for each branch estab-
 39 lishment or separate house of such business located in the same
 40 county.

SEC. 209. Bankers, or such persons, associations or corporations
 2 as are engaged in buying or selling foreign or domestic bills of ex-
 3 change or drafts, or in receiving special or general deposits of gold
 4 dust, gold or silver bullion, or gold or silver coin, for profit; or in
 5 carrying or transmitting, as common carriers, gold dust, or gold or
 6 silver bullion, or gold or silver coin, from any place within this
 7 State to any place without this State, or from one place to another
 8 within this State, for profit; or in keeping or conducting savings
 9 banks, or savings and loan societies, shall be divided into five
 10 classes, as follows:

11 Those doing business in the aggregate to the amount of five hun-
 12 dred thousand dollars or over per month shall constitute the first
 13 class.

14 Those doing business to the amount of three hundred thousand
 15 dollars and less than five hundred dollars per month shall constitute
 16 the second class.

17 Those doing business to the amount of two hundred thousand dol-

18 lars and less than three hundred thousand dollars per month shall
19 constitute the third class.

20 Those doing business to the amount of one hundred thousand dol-
21 lars per month and less than two hundred thousand dollars per
22 month shall constitute the fourth class.

23 Those doing business in any amount less than one hundred thou-
24 sand dollars per month shall constitute the fifth class.

25 The license for the first class shall be given upon the payment of
26 two hundred dollars per month.

27 For the second class, upon the payment of one hundred dollars
28 per month.

29 For the third class, upon the payment of fifty dollars per month.

30 For the fourth class, upon the payment of thirty dollars per
31 month.

32 For the fifth class, upon the payment of twenty-five dollars per
33 month.

SEC. 210. Each Taxcollector shall make diligent inquiry and ex-
2 amination as to all persons in his county liable to pay license as
3 provided in this and foregoing sections; and the Collector is hereby
4 empowered and it shall be his duty to require each person to state,
5 under oath or affirmation, the probable amount of business which
6 he, or the firm of which he is a member, or for which he is an
7 agent or attorney, or the association or corporation of which he is
8 President, Secretary or managing agent, will do in the next succeed-
9 ing three months, and also to make such statement under oath, if
10 required; and thereupon such person, agent, President, Secretary,
11 or other officer, shall procure a license from said Taxcollector for
12 three months, of the class of which such party is liable to pay; and
13 in all cases where an underestimate has been made by the party
14 applying, the party making such underestimate, or the company
15 he represented, shall be required to pay for a license for the next
16 quarter double the sum otherwise required. Licenses shall be pro-
17 cured immediately before the commencement of any business or
18 occupation liable to license tax under this Act. Such license shall
19 authorize the party obtaining the same, in his town, city, or partic-
20 ular locality in the county, to transact business as provided in such
21 license; *provided*, however, that nothing in this Act, nor in any
22 license issued under it, shall be construed to authorize any person
23 to carry on any business within the limits of any incorporated city
24 or town authorized by its charter to impose or levy city or town
25 license taxes, unless such person shall, in addition to the license re-
26 quired by this Act, also procure the license or licenses required by
27 the ordinances or orders of such city or town; and *provided* further,
28 that any person or persons who shall commence or continue to carry
29 on or transact any business, trade, profession or calling, for the
30 transaction or carrying on of which a license is required by this
31 Act, without procuring the proper license as herein required, shall
32 be guilty of a misdemeanor, and upon conviction thereof shall be
33 fined in any sum not less than ten nor more than five hundred dol-
34 lars; and *provided* further, that if any person or persons required by
35 the provisions of this Act to take out a license shall fail, neglect or
36 refuse to take out such license in the manner provided in this Act,
37 or shall carry on or attempt to carry on business without such

38 license, the Collector may direct suit, in the name of the people of
 39 the State of California as plaintiffs, to be brought against him or
 40 them for the recovery of the license money; and in such case, either
 41 the Collector or attorney may make the necessary affidavit, and a
 42 writ of attachment may issue, without any bonds being given on
 43 behalf of the plaintiffs; and in case of a recovery by the plaintiffs,
 44 fifty dollars liquidated damages shall be added to the judgment and
 45 costs, and be collected from the defendant, and when collected
 46 fifteen dollars thereof shall be paid to the Collector, and thirty-five
 47 dollars to the attorney prosecuting the suit. Upon the trial of any
 48 criminal action provided for by this section, the defendant shall be
 49 deemed not to have procured the proper license unless he either
 50 produces it or proves that he did procure it; but he may plead in
 51 bar of the criminal action a recovery against him and the payment
 52 by him in a civil action of the proper license money, together with
 53 said damages and costs.

SEC. 211. Every person who has a fixed place of business, who
 2 may deal in goods, wares or merchandise, wines or distilled liquors,
 3 whether sold on commission or otherwise, except the agricultural or
 4 vinicultural productions of this State, when sold by the producers
 5 thereof, and except such as are sold by auctioneers at public sale
 6 under license according to law, shall pay quarterly an amount of
 7 money for license as required by the class in which such person is
 8 placed by the Taxcollector of the county, under the provisions of
 9 the succeeding section; *provided*, always, that nothing herein con-
 10 tained shall be construed to extend to physicians, surgeons, apothec-
 11 aries or chemists, as to any wines or spirituous liquors which they
 12 may use in the preparation or compounding of medicines.

SEC. 212. Every person who shall sell or vend any goods, wares
 2 or merchandise, wines or distilled liquors, drugs or medicines, jew-
 3 ellery or wares of precious metals, and persons who keep horses or
 4 carriages for rent or hire, except mules, horses or animals used in
 5 transportation of goods, shall obtain from the Taxcollector of the
 6 county in which such business may be transacted, for each of the
 7 branches of business in this and the preceding section enumer-
 8 ated, a license for the transaction of that business at the following
 9 rates, to wit: All persons dealing as aforesaid shall be classed
 10 according to the amount of their average monthly sales, in the fol-
 11 lowing manner; that is to say:

12 Those who are estimated to make average monthly sales to the
 13 amount of one hundred thousand dollars, or more, shall constitute
 14 the first class.

15 Of seventy five thousand dollars, and less than one hundred thou-
 16 sand dollars, shall constitute the second class.

17 Of fifty thousand dollars, and less than seventy-five thousand
 18 dollars, shall constitute the third class.

19 Of forty thousand dollars, and less than fifty thousand dollars,
 20 shall constitute the fourth class.

21 Of thirty thousand dollars, and less than forty thousand dollars,
 22 shall constitute the fifth class.

23 Of twenty thousand dollars, and less than thirty thousand dol-
 24 lars, shall constitute the sixth class.

- 25 Of ten thousand dollars, and less than twenty thousand dollars,
 26 shall constitute the seventh class.
 27 Of five thousand dollars, and less than ten thousand dollars, shall
 28 constitute the eighth class.
 29 Of one thousand dollars, and less than five thousand dollars, shall
 30 constitute the ninth class.
 31 Of all amounts under one thousand dollars, the tenth class.

32 The licenses for the first class shall be given upon the payment of
 33 fifty dollars per month.

34 For the second class, thirty-seven dollars and fifty cents per
 35 month.

36 For the third class, twenty-five dollars per month.

37 For the fourth class, twenty dollars per month.

38 For the fifth class, fifteen dollars per month.

39 For the sixth class, ten dollars per month.

40 For the seventh class, seven dollars and fifty cents per month.

41 For the eighth class, five dollars per month.

42 For the ninth class, three dollars and seventy-five cents per
 43 month.

44 For the tenth class, two dollars and fifty cents per month.

45 *Provided*, that the sale of liquors and wines by persons licensed
 46 under this section shall not be in less quantity than one quart meas-
 47 ure. The moneys collected for licenses under this and the preceding
 48 sections of this Act shall be paid into the County Treasury—one
 49 half for State purposes, and one half for county purposes, except
 50 classes ninth and tenth, which shall be paid into the County Treas-
 51 ury for county purposes alone.

SEC. 213. Every travelling merchant, hawker or peddler, who
 2 shall carry a pack and vend wares, goods or merchandise of any
 3 kind, shall pay, for each license, five dollars per month; and every
 4 such travelling merchant, hawker or peddler who shall use a wagon,
 5 boat or other water craft, or one or more animals, for the purpose
 6 of vending any wares or merchandise of any kind, shall pay for each
 7 license fifteen dollars per month; *provided*, that nothing in this sec-
 8 tion shall be construed to apply to the agricultural productions of
 9 this State. The Auditor shall issue to the Taxcollector the licenses
 10 contemplated in this section, which licenses so issued shall authorize
 11 the holders of the same to vend goods, wares and merchandise in the
 12 county where such licenses are obtained. And it is hereby made
 13 the duty of every Justice of the Peace, Constable, Sheriff, Taxcol-
 14 lector and peace officer, to demand the license of any such peddler
 15 or hawker; and if such person be found not to have a license, as
 16 directed by law, the person so offering any goods or wares for sale
 17 shall be guilty of misdemeanor, and on conviction shall be fined in
 18 any sum of not less than fifty nor more than one hundred dollars.
 19 The moneys collected under the provisions of this section shall be
 20 paid into the County Treasury for county purposes. It is prohibited
 21 and shall not be lawful for any hawker or peddler to sell any wines,
 22 or fermented or spirituous liquors, or ale or beer; and if he be guilty
 23 thereof, he shall be punished as provided in this section in case he
 24 sell any goods without a license.

SEC. 214. All tavern and inn keepers, and all persons who may

2 sell and dispose of any spirituous, malt, or fermented liquors or wine,
 3 in less quantities than one sixth of one gallon, shall, before the trans-
 4 action of any such business, take out a license or licenses from the
 5 Taxcollector, as prescribed in this Act, and make therefor the fol-
 6 lowing payment, to wit:

7 Those making sales to the amount of ten thousand dollars or more,
 8 as a monthly average, shall constitute the first class.

9 Sales to the extent of five thousand dollars, and not exceeding ten
 10 thousand dollars, as a monthly average, shall constitute the second
 11 class;

12 And all sales less than five thousand dollars shall constitute the
 13 third class.

14 The license to be paid by venders of the first class shall be fifty
 15 dollars per month.

16 Of the second class shall be thirty dollars per month.

17 Of the third class shall be twenty-five dollars per month.

18 The moneys collected for licenses under the provisions of this
 19 section shall be paid into the County Treasury for county purposes.

SEC. 215. The licenses to be granted by this Act (except foreign
 2 miners' licenses) shall be granted for three, six or twelve months, at
 3 the option of the party applying for such licenses.

SEC. 216. The Controller of State shall cause to be printed a
 2 sufficient number of blank licenses of all classes mentioned in this
 3 Act, except where the entire amount is paid in for county purposes,
 4 for three, six and twelve months; each license shall also contain a
 5 blank receipt, to be signed by the County Taxcollector on delivery
 6 of said license to the purchaser thereof. He shall forward to the
 7 Treasurer of each county a sufficient number of blanks for the use
 8 of the county, which shall be charged to said Treasurer on the Con-
 9 troller's books. The Treasurer shall countersign the same and
 10 deliver them to the County Auditor, taking his receipt therefor.

SEC. 217. The Auditor shall from time to time deliver to the
 2 Taxcollector as many of such licenses as may be required, and shall
 3 sign the same and charge them to the Taxcollector, specifying the
 4 class of licenses in the charge.

SEC. 218. On the first Monday in each month, the Taxcollector
 2 shall return to the Auditor all licenses not issued, and the Auditor
 3 shall credit him with the amount so returned, so that the account
 4 will show the amount of money received for licenses issued, and
 5 open a new account with the Taxcollector for the next month.

SEC. 219. Once in three months, as in the preceding section pro-
 2 vided, the Auditor shall report to the Controller of State the num-
 3 ber of State licenses issued by the Taxcollector for the preceding
 4 three months, and the amount of money paid for the same; and the
 5 Controller shall hold the Treasurer responsible on his official bond
 6 for all licenses and receipts issued to him under this Act, not ac-
 7 counted for at the end of each year.

SEC. 220. If either the Treasurer, Auditor, Taxcollector or any other person shall issue, have in his possession with intent to circulate or put in circulation, any other licenses than those forwarded to the Treasurer by the Controller, or the Auditor of any county of this State, the person so offending shall be guilty of felony, and on conviction be sentenced to imprisonment in the State Prison for a term not less than one year nor more than four years; and any Taxcollector who shall receive the money for a license without delivering to the person paying for the same the license paid for, or who shall insert the name of more than one person or firm therein, or knowingly and wilfully insert a wrong name therein, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and by imprisonment in the County Jail not less than three months nor more than one year, or by both such fine and imprisonment.

SEC. 221. All and every the licenses aforesaid shall be printed by the State Printer, without any blanks whatever therein except for signatures, and be sent by the Controller to all County Treasurers. The Treasurer, having countersigned them and charged them to the Auditor for the full amounts thereof, according to their several classes and amounts, shall thereupon deliver the same to the Auditor, taking his receipt therefor, and the Auditor shall thereupon be liable for all such licenses so issued until they are accounted for by him. And he shall in like manner issue the same to the Taxcollector, or the Assessors as ex officio Taxcollectors, unless some other collector be authorized thereto, taking his receipt therefor, after he shall in like manner have charged the collector with the full amounts thereof, according to their several classes and the sums represented by each. And every such license shall have the length of time for which it is good clearly printed or written on its face before it shall be issued from the Treasurer's office; and if the Treasurer shall issue and put in circulation any other licenses than such as is provided in this Act, he shall be liable, on conviction therefor, to be imprisoned in the County Jail for any term not exceeding six months, and fined in any sum not exceeding five hundred dollars.

SEC. 222. All sums of money received for licenses, as well foreign miners' licenses as all others, shall, until this section be repealed, be paid into the County Treasuries of the county wherein the same are collected, respectively, for county purposes.

SPECIAL PROVISIONS.

SEC. 223. All County Assessors and County Taxcollectors, and other State revenue officers, are commanded and required not to molest nor interfere in any manner with any kind of property actually in transitu through their counties, respectively, and not in any manner belonging to or assessable therein, as provided by this Act; nor with any persons whomsoever whilst sojourning in any county.

SEC. 224. Goods, wares or merchandise imported and not actually and bona fide bonded for re-shipment shall not be deemed

3 in transitu, nor shall any such property actually held for sale in this
 4 State be exempt from equal and uniform assessment and tax in this
 5 State, under any claim or pretext whatever.

SEC. 225. No person shall be deemed a sojourner in any county
 2 wherein he carries on his regular business; or wherein he transacts
 3 the greater amount or a considerable amount of his business; or
 4 wherein his principal business is located or carried on; or wherein
 5 any considerable portion of his personal property or wealth is kept,
 6 or held or owned; but every such person, though his actual place of
 7 residence be in some other county, shall, nevertheless, for the pur-
 8 poses of his Act, be deemed and held to reside in different counties;
 9 and he shall be assessed and shall make his statement, as required
 10 by this Act, as well in such county where he has business or per-
 11 sonal property, as aforesaid, as in the county containing his resi-
 12 dence; and his personal property shall be assessed in each county
 13 according to the amount and value thereof, each, respectively.

SEC. 226. All persons, companies and corporations taxed on pro-
 2 ceeds shall be taxed in the several counties as follows, to wit:

3 When derived from mines or mining ground, then in the counties,
 4 respectively, where the same are situated.

5 When derived from supplying water or gas, then in the county
 6 where the supplies are furnished; or if furnished in more than one
 7 county, then in each county where such proceeds are paid, in pro-
 8 portion to the amount paid in each.

9 When derived from steamers making any trips or voyages on salt
 10 water out of any port in this State, then in the county out of which
 11 such trips or voyages commence or end.

12 When derived from rent, then in the counties, respectively, where
 13 the leased lands or tenements are situated.

14 When derived from business conducted by any company or cor-
 15 poration, and extending into various counties, or to places out of
 16 the State, then in the counties in this State, respectively, where the
 17 head office or principal business of such company or corporation is
 18 located.

19 In all other cases the same shall be assessed in the county where
 20 the business is carried on, or the person, company or corporation
 21 receiving or entitled to receive the proceeds, resides or is located.

SEC. 227. It is made the duty of the Boards of Supervisors of
 2 the several counties, and they are, respectively, authorized and re-
 3 quired, to make all necessary provision to meet the expenses and
 4 disbursements necessary to pay for the rent of offices and the fuel
 5 and stationery required for the Assessors, and the postage, printing
 6 and advertising required of the Treasurers, Clerks, Sheriffs and
 7 other ex officio Taxcollectors, and to pay for extra services required
 8 of the Auditor; and in counties where said officers, or either of
 9 them, are paid by salaries, then and in such counties to further pro-
 10 vide for the compensation and payment of all needful deputies and
 11 assistants in and about the duties required by this Act, except where
 12 the same is already provided for by law, or by such Boards of Su-
 13 pervisors; and in all respects said Boards of Supervisors shall exer-
 14 cise rigid economy in making said provision for the indispensable
 15 expenses required by this Act and not otherwise provided for. Suffi-

16 cient percentages are added to the tax to meet all needful expenses
 17 for the collection thereof, but the same are not imposed for the ad-
 18 vantage of any person in office, but to meet payments of the debts
 19 of the counties, respectively, and provide for lessening the amount
 20 of taxation therein.

2 SEC. 228. The Acts prescribing the mode of assessing and col-
 3 lecting public revenue, passed March thirtieth, eighteen hundred
 4 and fifty, and May first, eighteen hundred and fifty-one, and April
 5 twenty-third, eighteen hundred and fifty-two;

6 And the Acts to provide revenue for the support of the Govern-
 7 ment of this State, passed May eighteenth, eighteen hundred and
 8 fifty-three, and passed May fifteenth, eighteen hundred and fifty-
 9 four;

10 And the Acts amendatory of the last recited Act, approved April
 11 fifteenth, eighteen hundred and fifty-five, and April twenty-seventh,
 12 eighteen hundred and fifty-five, and April nineteenth, eighteen hun-
 13 dred and fifty-six;

14 The Act amendatory of the Revenue Laws, approved March
 15 twenty-fifth, eighteen hundred and fifty-seven;

16 The Act entitled an Act to provide revenue for the support of the
 17 Government of this State, approved April twenty-ninth, eighteen
 18 hundred and fifty-seven;

19 And the Acts amendatory of the last above recited Act, approved
 20 April seventeenth, eighteen hundred and fifty-eight, and April
 21 twenty-fourth, eighteen hundred and fifty-eight, and April nine-
 22 teenth, eighteen hundred and fifty-nine;

23 And the Act to provide revenue for the support of the Government
 24 of this State, approved April thirtieth, eighteen hundred and sixty;

25 And the Act entitled an Act to provide revenue for the support of
 26 the Government of this State, approved May seventeenth, eighteen
 27 hundred and sixty-one;

28 And the Act to amend the repealing section of the last mentioned
 29 Act, approved May fourteenth, eighteen hundred and sixty-two;

30 And the Act entitled an Act in relation to suits brought for the
 31 collection of delinquent taxes, approved May twelfth, eighteen hun-
 32 dred and sixty-two;

33 And the Act entitled an Act to amend an Act to provide revenue
 34 for the support of the Government of this State, approved April
 35 twenty-ninth, eighteen hundred and fifty-seven, and of an Act
 36 amendatory of and supplementary to said Act, approved April nine-
 37 teenth, eighteen hundred and fifty-nine, approved March eighteenth,
 38 eighteen hundred and sixty-two;

39 And an Act concerning the duties of County Treasurers, approved
 40 April twenty-ninth, eighteen hundred and sixty-two.

41 And the Act entitled an Act to provide for the collection of the
 42 taxes on personal property in the City and County of San Francisco,
 43 approved May ninth, eighteen hundred and sixty-two;

44 And the Act entitled an Act to amend an Act entitled an Act to
 45 provide revenue for the support of the Government of this State,
 46 approved May seventeenth, eighteen hundred and sixty-one, and an
 47 Act amendatory thereof, approved May fourteenth, eighteen hundred
 48 and sixty-two, approved March third, eighteen hundred and sixty-
 49 three;

And the Act entitled an Act to amend an Act entitled an Act to

50 provide revenue for the support of the Government of this State,
 51 approved May seventeenth, eighteen hundred and sixty-one, approved
 52 March twenty-eighth, eighteen hundred and sixty-three;

53 And the Act entitled an Act in relation to the collection of poll
 54 taxes in the City and County of San Francisco, approved April third,
 55 eighteen hundred and sixty-three;

56 And the Act entitled an Act to amend an Act entitled an Act to
 57 provide revenue for the support of the Government of this State,
 58 passed May fifteenth, eighteen hundred and fifty-four, approved
 59 April twenty-fifth, eighteen hundred and sixty-three;

60 And the Act to amend the above recited Act of May seventeenth,
 61 eighteen hundred and sixty-one, approved April twenty-seventh,
 62 eighteen hundred and sixty-three;

63 And the Act to amend section eighty-two, of the above recited
 64 Act of May seventeenth, eighteen hundred and sixty-one, approved
 65 on same April twenty-seventh, eighteen hundred and sixty-three;

66 And the Act entitled an Act to amend an Act entitled an Act to
 67 amend an Act entitled an Act to provide revenue for the support of
 68 the Government of this State, approved March third, eighteen hun-
 69 dred and sixty-three, approved April fourth, eighteen hundred and
 70 sixty-three;

71 And the Act entitled an Act to amend an Act entitled an Act to
 72 provide revenue for the support of the Government of this State,
 73 approved April twenty-ninth, eighteen hundred fifty-seven, approved
 74 March eighteenth, eighteen hundred and sixty-four;

75 And the Act entitled an Act to amend the Revenue Laws, approved
 76 April fourth, eighteen hundred and sixty-four;

77 And another Act amending section thirty-four of the Act of March
 78 third, eighteen hundred and sixty-three, above recited, approved
 79 April fourth, eighteen hundred and sixty-four;

80 And the Act concerning assessment rolls, approved March twenty-
 81 second, eighteen hundred and sixty-six;

82 And the Act to amend an Act entitled an Act to provide revenue
 83 for the support of the Government of this State, passed May seven-
 84 teenth, eighteen hundred and sixty-one, approved March thirty-
 85 first, eighteen hundred and sixty-six;

86 And the Act to amend the same Act, last above recited, and ap-
 87 proved April second, eighteen hundred and sixty-six;

88 And the Act entitled an Act to
 89 approved March , A. D. eighteen hundred and sixty-eight;

90 Are severally and each and all repealed; and all Acts and parts of
 91 Acts in conflict with any of the provisions of this Act are, for the
 92 purposes of this Act, repealed.

SEC. 229. Sections

of

2 this Act shall take effect and be in force immediately on the passage
 3 of this Act. The remainder and whole of this Act shall take effect
 4 and be in force from and after the thirty-first day of December,
 5 eighteen hundred and sixty-eight.

misc
17

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